

STATE OF MAINE

ANIMAL WELFARE LAWS

And

Regulations



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Editors Notes:

Please note in the index of this issue that new statutes are in ***bold*** and ***italicized*** in the index and they are also **underlined** in the body of the law book. This is to assist you to locate either new statutes or additions in this printing.

Norma J. Worley, Director
Animal Welfare Program

**ANIMAL WELFARE LAWS
MAINE REVISED STATUTES ANNOTATED**

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PART 9 - ANIMAL WELFARE

CHAPTER 717 ANIMAL WELFARE ACT

7 § 3901. Animal Welfare Act

This Chapter is known and may be cited as the "Animal Welfare Act."

7 § 3902. Purposes

The primary legislative purposes of this Act are to provide for the licensing of dogs and the humane and proper treatment of animals. To ensure the humane and proper treatment of animals, the commissioner shall develop, implement and administer a comprehensive program that upholds the animal welfare laws of the State through communication, education and enforcement.

7 § 3906-B. Powers and Duties of Commissioner

The commissioner has the powers and duties set forth in this section.

- 1. Dog licensing laws.** The commissioner shall carry out the dog licensing laws and furnish to municipalities all license blanks, stickers and tags.
- 2. Animal Welfare Fund.** The commissioner shall deposit all license fees received pursuant to Chapters 721, 723, 725 and 735 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. The commissioner shall deposit ½ of feed registration fees collected under Section 714, subsection 1 and all revenue from the surcharge collected under section 714, section 4 in the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing license blanks, stickers and tags, travel expenses and salaries for necessary personnel, payments to animal shelters and expenses incurred in the administration of this Part.

The commissioner shall annually transfer \$100,000 from the Animal Welfare Fund for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

- 3. Dog recorders.** The commissioner shall appoint dog recorders in unorganized territories and establish fees for services rendered.
- 4. Training and certification of animal control officers.** The commissioner shall develop a program to train animal control officers. This program must include training in investigation of complaints of cruelty to animals, training in response to calls concerning animals suspected of having rabies and training in enforcement of dog licensing laws and rabies immunization laws. The commissioner shall certify all animal control officers who complete the training program.
- 6. Inspections.** The commissioner shall inspect licensed facilities as provided in Chapters 723 and 735.

- 7. Payment of fees.** The commissioner may authorize payments to providers of special services to animals when the commissioner determines those services are in the public interest.
- 8. Copies of law.** The commissioner shall seasonably forward to the clerks of municipalities copies of this Part.
- 9. Employees.** The commissioner, in consultation with the Animal Welfare Advisory Committee, shall employ, subject to the Civil Service Law, necessary employees to assist in enforcing this part and in carrying out the commissioner's duties and responsibilities. The commissioner shall conduct a background check of a potential employee. The commissioner may not hire as a state humane agent a person who has been convicted of a criminal violation under Title 17, Chapter 42 or has been adjudicated of a civil violation for cruelty to animals under Chapter 739.
- 9-A. Humane agents.** The commissioner shall assign a humane agent to each of the following areas of specialization:
 - A. Blood sports;
 - B. Exotic animals;
 - C. Large animals;
 - D. Mental health and domestic violence;
 - E. Small animals; and
 - F. Training
- 10. Rules.** Pursuant to Title 5, Chapter 375, the commissioner shall adopt, amend and repeal rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that the commissioner is charged with administering.
- 11. Cruelty to animals.** The commissioner, in cooperation with animal control officers, shall investigate complaints of cruelty to animals and enforce cruelty to animal laws in accordance with Chapter 739 and Title 17, Chapter 42. The Attorney General and the district attorneys shall assist the commissioner with the commissioner's enforcement responsibilities.
- 12. Intermittent agents.** The commissioner shall appoint intermittent humane agents as necessary to assist the commissioner in carrying out the commissioner's duties and responsibilities. The commissioner shall train and coordinate efforts of intermittent agents. These intermittent agents are unclassified employees whose training, compensation and hours of employment are determined by the commissioner.
- 13. Spaying and neutering fund.** As enacted by PL 1995, c.502, PT C § 12, is repealed. (effective August 8, 2004)
- 14. Information.** The commissioner may obtain, develop or disseminate any information useful or convenient for carrying out any purpose or power of the commissioner.
- 15. Annual report.** The commissioner shall report the activities of the commissioner annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters and the joint standing committee of the

Legislature having jurisdiction over taxation matters. This report must include a summary of cases of cruelty to animals investigated by the commissioner, a summary of final dispositions of those cases and with respect to companion animals, a report of the number of animal shelter intakes, the number of sterilizations and the number of euthanizations and account of deposits into and payments from the Companion Animal Sterilization Fund established in Section 3910-B.

- 16. Animal welfare auxiliary fund.** The commissioner may accept gifts, donations, bequests, endowments, grants and matching funds from any private or public source for the purposes of ensuring the humane and proper treatment of animals and enhancing the administration and enforcement of this Part and Title 17, Chapter 42. The commissioner shall deposit all funds accepted for these purposes into a separate, non-lapsing account known as the animal welfare auxiliary fund. All gifts, donations, bequests, endowments, grants and matching funds received must be used for the benefit of and accomplishment of the objectives in this Part and Title 17, Chapter 42 and any gift, donation, bequest, endowment, grant and matching funds accepted with a stipulated purpose may be used only for that purpose.

All money deposited in the animal welfare auxiliary fund in accordance with section 1820-A, subsection 4 must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines.

7 § 3906-C. Animal Welfare Advisory Council

The Animal Welfare Advisory Council, as established by Title 5, Section 12004-I, Subsection 2-C and referred to in this section as the "council," shall advise the commissioner on matters pertaining to animal welfare.

- 1. Membership.** The council consists of 11 members appointed by the Governor as follows:
- A. One member representing municipal interests;
 - B. One animal control officer;
 - C. One member representing licensed animal shelters;
 - D. One member representing licensed boarding or breeding kennels;
 - E. One member representing licensed pet shops;
 - F. One member who is or has been a veterinarian licensed to practice in the state.
 - G. One member who represents the interests of the public in animal welfare.
 - H. One attorney with experience in animal welfare law;
 - I. One cooperative extension agent or specialist;
 - J. One member with expertise in equine care;
 - K. One member with expertise in livestock representing a statewide farming organization; and
 - L. One member representing a State-based animal advocacy group.

In making the appointment of the veterinarian member, the Governor shall consider nominations made by the Maine Veterinary Medical Association.

2. **State member; staff.** The commissioner or the commissioner's designee serves as an ex officio nonvoting member. The department shall provide necessary staffing services to the council.
3. **Compensation.** Members of the council are entitled to travel and meal expenses only.
4. **Terms of office.** Except for initial appointees and the commissioner or the commissioner's designee, each member serves for a term of 3 years or until the member's successor has qualified. Except for the commissioner or the commissioner's designee, a member may not serve more than 2 consecutive terms. In the case of a vacancy for any reason, the Governor shall appoint a member representing the same interest to fill the unexpired term.
5. **Initial terms of office.** Initially, 4 appointed members serve for one year, 4 members serve for 2 years and 3 members serve for 3 years.
6. **Administration; meetings.** The council shall elect one of its members as chair. The chair serves for a 2-year period and may not serve as chair for consecutive 2-year periods.

The council shall hold regular public meetings every other month but may waive by majority vote a succeeding meeting. The chair shall call special meetings of the council whenever requested in writing by 2 or more members. The council shall send notice and minutes of the meetings to the joint standing committee of the Legislature having jurisdiction over animal welfare matters.

7. **Duties.** The council shall perform the following duties:
 - A. Review and advise the commissioner on proposed revisions to the animal welfare laws and rules;
 - B. Assist the commissioner in the continuing implementation and evaluation of the animal welfare laws and rules;
 - C. Review training programs for humane agents and animal control officers and make recommendations for training appropriate to the duties of the humane agents and animal control officers;
 - D. Research options for increasing revenue to the Animal Welfare Fund to ensure funding for the implementation and enforcement of the animal welfare laws and rules, periodically evaluate the adequacy of funding for those laws and rules and make recommendations to the commissioner; and
 - E. Advise the commissioner on the other matters related to the animal welfare laws and rules.

7 § 3907. Definitions

As used in this Part, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings.

1. **Act.** "Act" means the Animal Welfare Board Act.
- 1-A. **Abandoned dog.** "Abandoned dog" means a dog that has been deserted by its owner or keeper.
2. **Animal.** "Animal" means every living, sentient creature not a human being.
3. **Animal control.** "Animal control" means control of dogs, cats, and domesticated or undomesticated animals in accordance with Section 3948.
4. **Animal control officer.** "Animal control officer" means the person appointed periodically by a municipality pursuant to Chapter 725.

5-A. Animal shelter. "Animal shelter" means a facility that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

6. **At large.** "At large" means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
7. **Board.** "Board" means the Animal Welfare Board or its duly authorized agent.
8. **Boarding kennel.** "Boarding kennel" means any place, building, tract of land or abode in or on which 3 or more privately owned dogs or other pets, or both, are kept at any one time for their owners in return for a fee.

8-A. Breeding kennel. "Breeding kennel" means a location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold, or exchanged for value.

9. **Business day.** "Business day" means any day of the calendar year other than a Saturday, Sunday or legal holiday.
- 9-A. **Cat identification.** "cat identification" means:
 - A. A registered microchip used in conjunction with a visible collar and tag, with a faceted, reflective ear stud or a tipped or notched ear;
 - B. A collar or collar and tag worn by the cat that provides the current name, address and telephone number of the owner; or
 - C. A collar and tag providing the name and address of the animal shelter that issued the tag.

10. **Clerk; municipal clerk.** "Clerk" or "municipal clerk" means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this Part.

11. **Commissioner.** "Commissioner" means the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent.

11-A.**Companion animal.** "Companion animal" means a cat or dog.

11-B Council. "Council" means the Animal Welfare Advisory Council as established by Title 5, section 12004-I, subsection 2-C or its duly authorized agent.

12. **Constable.** "Constable" means a law enforcement officer appointed by municipal officers pursuant to law.

12-C.**Dog.** "Dog" means a member of the genus and species known as canis familiaris or any canine, regardless of generation, resulting from the interbreeding of a member of canis familiaris with a wolf hybrid as defined in Subsection 30.

12-D.**Dangerous Dog.** "Dangerous Dog" means a dog that bites an individual who is not trespassing on the dog owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and non-aggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement use.

For the purposes of this definition, "dog owner's or keeper's premises," means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.

13. **Guide dog or hearing dog kept for breeding purposes.** "Guide dog or hearing dog kept for breeding purposes," means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as guide dogs or hearing dogs and living with a resident of the State.

14. **Guide dog or hearing dog kept prior to training.** "Guide dog or hearing dog kept prior to training," means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a guide dog or hearing dog and living temporarily with a resident of the State prior to training.

15. **Humane agent.** "Humane agent" means an employee of the department who assists in enforcing this Part.

16. **Keeper.** "Keeper" means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.

- 17. Kennel.** "Kennel" means 5 or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.
- 18. Law enforcement officer.** "Law enforcement officer" means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
- 18-A. Livestock.** "Livestock" means cattle, equine, sheep, goats, swine, domesticated deer, fowl and rabbits.
- 19. Municipality.** "Municipality" means an organized city, town or plantation.
- 20. Mutilate.** "Mutilate" means to injure or disfigure by irreparably damaging body parts. "Mutilate" does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.
- 21. Owner.** "Owner" means a person owning, keeping or harboring a dog or other animal.
- 22. Person.** "Person" means an individual, corporation, partnership, association or any other legal entity.
- 22-B. Pet.** "Pet" means a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.
- 23. Pet shop.** "Pet shop" means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.
- 24. Respective municipality.** "Respective municipality" means, in the case of towns, plantations and cities, the municipality where the dog or ferret is found; in the case of unorganized territories, the municipality near or adjacent to the unorganized territory where the dog or ferret is found; or the designee of that municipality.
- 25-A. Stray.** "Stray" means off the owner's premises and not under the control of a person.
- 26. Torment, torture and cruelty.** "Torment, torture and cruelty" means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.
- 26-A. Unorganized territory.** "Unorganized territory" means all areas located within the jurisdiction of the State, except areas located within organized cities and towns, and Indian reservations. "Unorganized territory" does not include plantations.

27. **Vertebrate.** "Vertebrate" means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.
28. **Warrant.** "Warrant" means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.
29. **Well cared for.** "Well cared for" means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.
30. **Wolf hybrid.** "Wolf hybrid" means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf hybrid" includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

7 § 3909. Enforcement

1. **Attorney General and District Attorneys.** Whenever a person has engaged in or is about to engage in an act or practice that constitutes a violation of this Part, a rule adopted pursuant to this Act or a condition of an order, license or permit approved or decision issued by the commissioner pursuant to this Part, or that constitutes a violation of Chapter 739 or Title 17, Chapter 42, the Attorney General or a District Attorney, at the request of the commissioner, may institute proceedings before the District Court or Superior Court for an order enjoining those acts or practices, an order directing compliance or imposing a civil or criminal penalty, or any combination of these actions, as provided by law. Upon a showing by the commissioner that the person has engaged or is about to engage in such an act or practice, the court may grant a permanent or temporary injunction, restraining order or other order as appropriate.
2. **Designated employees of the department.** For purposes of prosecution under this section, the commissioner may authorize humane agents and a state veterinarian to serve civil process pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules of court. The commissioner may authorize humane agents or a state veterinarian to represent the department in District Court in the prosecution of civil violations of these laws. Certification of the humane agents and a state veterinarian for this purpose is as provided under Title 30-A, Section 4453, Subsection 5. Once certified, prosecution by the humane agent or a state veterinarian may seek civil penalties as provided by law as well as a permanent or temporary injunction, restraining order or other equitable relief as the court finds appropriate.

- 3-A. **Humane agents; training requirements.** Continuing employment of a humane agent hired after October 1, 2003 is contingent upon the successful completion by that agent of a 100-hour service training program at the Maine Criminal Justice Academy or a nationally recognized training program on investigation and enforcement of animal welfare laws and the successful completion of an examination of state animal welfare laws and rules adopted pursuant to this Part.

A humane agent, regardless of appointment date, shall complete training in the handling of small and large animals and a minimum of 40 hours of training each year, including a combination of classroom and hands-on training.

4. **Subpoenas.** The commissioner or the commissioner's designee after consultation with the appropriate attorney for the State or the legal counsel for the department may:
- A. Serve subpoenas requiring persons to disclose or provide to the department information or records in their possession that are necessary and relevant to an investigation under the animal welfare laws.
- (1) The department may apply to the District Court to enforce a subpoena.
- (2) A person who complies with a subpoena is immune from civil or criminal liability that might otherwise result from the act of turning over or providing information or records to the department.

7 § 3910. Jurisdiction

Repealed. September 2002

7 § 3910-A. Forfeitures and Surcharges

1. **Forfeitures.** Unless otherwise provided, any court in this State shall collect fines or forfeitures imposed for violations of this Part and pay the fine or forfeiture into the treasury of the municipality where the offense or violation was committed. The municipal clerk shall deposit and expend fines and forfeitures received in accordance with Section 3945.
2. **Surcharge imposed.** A surcharge of \$10 must be added to every fine, forfeiture or penalty imposed by any court in this State for a violation of this Part or Title 17, Chapter 42. The surcharge, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge must be deposited monthly in the Animal Welfare Fund established under Section 3906-B, Subsection 2.

7 § 3910-B. Companion Animal Sterilization Fund

1. **Establishment.** There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund".

The fund receives money deposited by the Treasurer of the State pursuant to Title 36, Section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3931-A, subsection 4 and section 3933, subsection 4, money transferred from the Animal Welfare Fund in accordance with section 3906-B, subsection 2 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the necessary administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law.

2. **Subsidies; development of standards.** The commissioner shall develop procedures and eligibility standards for the awarding of subsidies to low-income persons for the spaying or neutering of those persons' companion animals. Procedures and eligibility standards must be developed in consultation with veterinarians and representatives of humane societies and animal shelters.
3. **Fund-raising.** The commissioner or the commissioner's authorized agent may provide for the creation, reproduction, sale, licensing and distribution and other disposal of any art or other products for the purpose of generating revenues for the fund. All money generated from the sale of these items must be deposited into the fund.

CHAPTER 719 UNCONTROLLED DOGS

7 § 3911. Dogs at Large

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner or keeper of any dog found at large is subject to the penalties provided in this chapter.

7 § 3911-A. Abandonment of Wolf Hybrid

A person who abandons a wolf hybrid commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. For the purposes of this section "abandon" means to desert. For enforcement purposes a wolf hybrid is abandoned if the animal is found a distance of more than 5 miles from the premises of the owner and is not under the control of any person.

7 § 3912. Disposition of Dogs at Large

1. **Ownership of dog unknown.** Except as provided in Subsection 2, an animal control officer or person acting in that capacity shall seize, impound or restrain a dog found in violation of Section 3911 and deliver it to an animal shelter as provided for in Section 3913, Subsection 2-A. If ownership cannot be established, such a dog may be handled as a stray dog for the purpose of acceptance by an animal shelter.
2. **Ownership of dog known.** An animal control officer or person acting in that capacity shall seize, impound or restrain a dog found in violation of Section 3911 and, if the owner is known, shall:
 - A. Take the dog to its owner; or
 - B. Deliver it to an animal shelter as provided in Section 3913. An animal shelter receiving a dog in accordance with this paragraph shall follow the procedure for stray dogs provided in Section 3913.

7 § 3913. Procedure for Stray Dogs

1. **Persons finding stray dogs.** A person finding a stray dog and taking control of that dog shall take that dog to its owner if known or, if the owner is not known, to the animal shelter designated by the municipality in which the dog was found.
2. **Animal shelter.** An animal shelter, as defined in Section 3907, to which a stray dog is taken shall accept the dog for a period of 6 days unless the shelter is in quarantine or has a bona fide lack of adequate space. The acceptance entitles the animal shelter to receive from the department the sum of \$4 a day for the period for which food and shelter are furnished to the dog. An animal shelter may refuse to accept dogs from municipalities not contracting with that animal shelter.

3. **Claims; fees.** The procedure for filing claims and calculating fees is as follows:
 - A. On the business day next following the date of acceptance of a dog that is not delivered by an animal control officer or person acting in that capacity, the animal shelter shall notify the animal control officer or person acting in that capacity of the respective municipality of the acceptance of the dog, its description and the circumstances of its finding.
 - B. An animal shelter that accepts a dog under this section, within 45 days of acceptance of the dog, shall submit a claim on a department-approved form to the department for fees incurred in providing food and shelter and the animal shelter shall forward a copy of the claim to the clerk of the respective municipality.
 - C. If the owner claims the dog within the 6-day period, the owner may have and receive the dog upon payment of all department-approved fees as provided in Subsection 2, the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered, provided that the dog is licensed in accordance with Chapter 721.
4. **Ownership of dog.** Upon expiration of the 6-day period, ownership of the dog is vested in the animal shelter. The animal shelter may then:
 - A. Sell or give away the dog, but not to a research facility, if a license is first obtained in accordance with Chapter 721; or
 - B. Otherwise dispose of the dog humanely in accordance with Title 17, Chapter 42, Subchapter IV. Except as provided in this section, an animal shelter must hold a dog at least 8 days before euthanasia.

Notwithstanding this subsection, ownership of a dog for the purposes of adoption is immediately vested in an animal shelter if the animal shelter makes a determination that the dog is obviously abandoned. An obviously abandoned dog does not include a dog at large.

An animal shelter shall establish and collect fees for reclaimed or adopted animals to offset costs of keeping a dog beyond 6 days.

None of the proceeds obtained from the sale, donation, adoption or other disposition of the dog may be deducted from the fee claimed.

Notwithstanding Subsection 3, Paragraph C, the previous owner may reacquire the dog at any time prior to its sale, donation or disposal upon payment of the municipal impoundment fee and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the dog has been sheltered. In this case, no fee may be allowed by the department.

6. **Euthanasia for severely sick, severely injured or extremely vicious dog.** A humane agent, an animal control officer or an animal shelter within the State may authorize in writing immediate euthanasia of a severely sick,

severely injured or extremely vicious dog upon determining that the following conditions are met:

- A. The clerk or animal control officer of the municipality where the dog was found has been notified of the dog's presence and the owner of the dog, if known, has been notified; and
- C. A veterinarian states in writing that the dog's recovery from its injury or illness, given reasonable time and reasonable care, is doubtful or that the dog presents a danger to the public.

Notwithstanding Paragraphs A to C, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for a severely injured or sick animal.

- 7. **Immunity from civil liability.** A veterinarian, a humane agent, an animal control officer or an animal shelter is not civilly liable to any party for authorization made in accordance with Subsection 6 nor is any person performing euthanasia under that authorization.

7 § 3914. Purchase and Sale of Animals

Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged in buying or selling animals shall keep records of the buyer and seller in each transaction for a 2- year period commencing at the time of purchase or sale. The records must be open to inspection by the department or law enforcement officers.

7 § 3915. Violation

Any person who violates this chapter commits a civil violation for which a forfeiture of not less than \$50 nor more than \$250 may be adjudged for a first violation and not less than \$100 nor more than \$500 for 2 or more violations.

CHAPTER 720
RABIES PREVENTION AND SHELTER PROVISIONS FOR CATS

7 § 3916. Rabies Vaccinations

1. **Required for cats.** Except as provided in Subsection 4, an owner or keeper of a cat over 3 months of age must have that cat vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. Upon receiving an initial vaccination, a cat is considered protected for one year and an owner or keeper of that cat must get a booster vaccination for that cat one year after the initial vaccination and subsequent booster vaccinations at intervals that do not exceed the intervals recommended by a national association of state public health veterinarians for the type of vaccine administered.
- 1-A. **Required for dogs.** A person owning or keeping a dog, except for a wolf hybrid, shall, within 30 days after the dog attains the age of 6 months, cause the dog to be immunized against rabies and shall have booster vaccinations administered periodically in accordance with rules adopted by the Commissioner of Health and Human Services under section 3922, subsection 3.
2. **Certificate.** A licensed veterinarian who vaccinates or supervises the vaccination of a cat or dog shall issue to the owner or keeper a certificate of rabies vaccination approved by the State and shall indicate on the certificate the date by which a booster vaccination is required pursuant to Subsection 1.
3. **Enforcement.** A humane agent, an animal control officer or a law enforcement officer may ask an owner or keeper of a cat or dog to present proof of a certificate of rabies vaccination from the State.
4. **Exception.** Notwithstanding any provision of this chapter, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat received by the shelter.

An owner or keeper of a cat is exempt from the requirements of Subsection 1 if a medical reason exists that precludes the vaccination of the cat. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat and the medical reason that precludes the vaccination.

7 § 3917. Antirabies Clinics

The following provisions apply to low-cost antirabies clinics.

1. **Clinic establishment.** The department shall facilitate the establishment of low-cost antirabies clinics at locations and on dates as appropriate. At least one low-cost antirabies clinic must be conducted annually in each county. In facilitating the establishment of antirabies clinics, the department shall cooperate with local veterinarians and local organizations. When other arrangements cannot be made for a licensed veterinarian to vaccinate or to supervise vaccinations by an animal technician at a low-cost clinic, a veterinarian employed by the department shall administer the vaccinations.

2. Veterinarians participating in low-cost antirabies clinics. This subsection applies to a veterinarian licensed under Title 32, Chapter 71-A or an assistant under the direction of the veterinarian providing professional services within the scope of the veterinarian's license who participates in a low-cost antirabies clinic established under this section. Adherence by the veterinarian or assistant to the standards of care within the profession creates a rebuttable presumption that the conduct of the veterinarian or assistant was not negligent.

7 § 3918. Violation

A person who violates this chapter commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

7 § 3919. Seizure of Stray Cats

1. **Definition.** For the purposes of this chapter, a "stray cat" means a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.
2. **Seizure by animal control officer.** An animal control officer or person acting in that capacity may seize a stray cat and deliver it to an animal shelter as provided for in Section 3919-A or to the owner, if the owner is known. If ownership cannot be established, such a cat may be handled as a homeless cat for the purposes of acceptance and disposition by an animal shelter.
3. **Person finding stray cat.** A person finding a stray cat and not knowing the owner or residence of the cat may take that cat to the animal shelter designated by the municipality in which the cat was found.

7 § 3919-A. Procedure for Acceptance and Disposition of Stray Cats By Animal Shelter

An animal shelter to which a cat is taken may accept the cat unless the shelter is in quarantine. An animal shelter accepting a cat shall comply with the provisions of this section.

1. **Cats with identification.** An animal shelter that accepts a cat with cat identification shall make a reasonable attempt to notify the owner by telephone or by sending a written notice within 24 hours of accepting the cat. Except as provided in Subsections 4 and 5, the animal shelter shall hold the cat for a period of 6 days beginning on and including the day of acceptance. If the owner claims the cat within the 6-day period, the animal shelter shall release the cat to the owner upon payment of any municipal impoundment fee and actual fees incurred for food, shelter and veterinary care. Upon expiration of the 6-day period, ownership of the cat is vested with the animal shelter and the animal shelter may then handle the cat as a homeless cat for disposition in accordance with Subsection 2.

2. **Homeless cats.** When an animal shelter that accepts a cat under Section 3919 and that cat does not have cat identification, the animal shelter shall hold the cat for not less than 24 hours. After the 24-hour period, the animal shelter may treat the cat as a homeless cat and may:
 - A. Offer the cat for adoption, sell or give away the cat; or
 - B. Otherwise dispose of the cat humanely in accordance with Title 17, Chapter 42, Subchapter IV. An animal shelter may not sell or give a cat to a research facility.
3. **Owner's claim after 6-day period.** An owner may reacquire a cat at any time prior to its disposition under Subsection 2 upon payment of any municipal impoundment fee and actual fees incurred for food, shelter and veterinary care and any other reasonable fee imposed by the animal shelter.
4. **Euthanasia for severely sick, severely injured or extremely vicious cat.** A humane agent, an animal control officer or an animal shelter may authorize in writing the immediate euthanasia of a severely sick, severely injured or extremely vicious cat upon determining that the following conditions are met:
 - A. The animal control officer of the municipality where the cat was found has been notified or, if the cat has cat identification, the owner of the cat has been notified; and
 - B. A veterinarian states in writing that the cat's recovery from its injury or illness, given reasonable time and reasonable care, is doubtful or that the cat presents a danger to the public.

Notwithstanding Paragraphs A and B, a veterinarian may authorize immediate euthanasia if, in the veterinarian's judgment, there is no possibility of recovery for a severely injured or severely sick cat.

5. **Immunity.** A veterinarian, a humane agent, an animal control officer or an animal shelter, including a person employed by an animal shelter, is not civilly liable to the owner of a cat for the loss of that cat resulting from actions taken in compliance with this section.

Nothing in this subsection grants to an animal shelter or person any immunity from liability arising from the gift, sale or other transference of a cat to a research facility in violation of the Subsection 2.

§3919-B. Disposition of Pet When Owner is Institutionalized

Notwithstanding Sections 3913 and 3919-A and except as provided in Title 17, Section 1021, when a person brings a pet to an animal shelter because the owner of that pet is incarcerated or hospitalized, that person shall provide the animal shelter with the name and address of the pet's owner and the name and address of the facility where the person is incarcerated or hospitalized. The person bringing the pet to the shelter shall also provide the shelter with that person's name and address and that person's relationship to the owner or the official capacity in which that person is acting to enforce the animal welfare laws. The animal shelter may accept the pet unless the shelter is in quarantine. An animal shelter accepting a pet under this section shall comply with the provisions of this section.

1. **Notice.** An animal shelter that accepts a pet under this section shall within 24 hours of receiving the pet send a notice by mail, return receipt requested, to the owner of the pet. The notice must inform the owner of the provisions of this section.
2. **Release of pet.** Upon payment of costs incurred for food, shelter and veterinary care, an animal shelter shall release a pet accepted under this section to its owner or to a person who is designated in a letter signed by the owner as acting on the owner's behalf.
3. **Transfer of ownership; disposition of pet.** If an owner fails to arrange for release of a pet in accordance with Subsection 2 within 10 days of the pet's acceptance by the shelter, ownership of the pet is vested with the animal shelter upon expiration of the 10-day period and the animal shelter may:
 - A. Offer the pet for adoption or sell or give away the pet; or
 - B. Dispose of the pet humanely in accordance with Title 17, Chapter 42, Subchapter 4.

An animal shelter may not sell or give a pet to a research facility.

4. **Claims.** When an owner does not arrange for the release of a pet under Subsection 2, the animal shelter is entitled to receive from the department \$4 a day for food and shelter for the pet for a maximum of 10 days.
5. **Immunity.** A person who brings a pet to an animal shelter in accordance with this section is not civilly liable to the owner for the loss of that pet resulting from the release, transfer or disposition of the pet in accordance with Subsection 2 or 3. A veterinarian, a humane agent, an animal control officer or an animal shelter, including a person employed by an animal shelter, is not civilly liable to the owner for the loss of that pet resulting from the release, transfer or disposition of the pet in accordance with Subsection 2 or 3.

Nothing in this subsection grants to an animal shelter or person any immunity from liability arising from the gift, sale or other transfer of a pet to a research facility in violation of Subsection 3.

§3919-C. Animal Held Pending Court Decision

When an animal shelter holds an animal at the request or with the approval of the department pending an investigation or disposition by the court of an alleged violation of Chapter 739 or Title 17, Chapter 42, the shelter is entitled to receive from the department \$4 a day for the period for which food and shelter are furnished to the animal.

CHAPTER 721 DOG LICENSES

7 § 3921. License Necessary

A dog may not be kept within the limits of the State, unless the dog has been licensed by its owner or keeper in accordance with the laws of this State.

Any law enforcement agency within the State, counties or municipalities owning dogs for law enforcement purposes shall be required to license the dogs in the municipality in which they are domiciled, but shall be exempt from any license or recording fee, provided that all other licensing requirements are fulfilled.

7 § 3921-A. Permanent Identification of Wolf Hybrids

The commissioner shall adopt rules to establish methods of identifying wolf hybrids through tattooing, the placement of a microchip under the animal's skin or any other method determined by the commissioner as adequately providing a permanent means of identification of the body of the animal. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, Chapter 375, Subchapter II-A. A person may not own or keep a wolf hybrid unless the animal has identification in compliance with the rules adopted under this section.

7 § 3922. Issuance of License

1. **License; January 1st.** Each owner or keeper of a dog at the age of 6 months or more, on or before January 1st of each year, shall obtain a license:
 - A. From the clerk of the municipality where the dog is kept;
 - B. From the dog recorder in the unorganized territory where the dog is kept or, in the absence of a duly authorized dog recorder, from a dog recorder in the nearest municipality or unorganized territory in the same county where the dog is kept;
 - C. From a veterinary licensing agent in accordance with Section 3923-F; or
 - D. From the department using the Internet in accordance with Section 3923-G.
2. **License; after January 1st.** The owner or keeper, within 10 days of the conditions of Paragraph A or B being met, shall obtain a license, if between January 1st and October 15th of any year:
 - A. A dog reaches the age of 6 months or more; or
 - B. A person becomes the owner or keeper of a dog aged 6 months or more.
3. **Proof of immunization.** Except as provided in Subsection 3-A, a municipal clerk may not issue a license for a dog until the applicant has filed with the clerk proof that the dog has been immunized against rabies in accordance

with rules adopted by the Commissioner of Human Services, except that the requirement of immunization may be waived by the clerk under conditions set forth by the Commissioner of Human Services.

The commissioner shall adopt rules that allow the clerk and the commissioner to accept valid proof of immunization against rabies provided by another state.

- 3-A. **Exception to immunization requirement for wolf hybrids.** If a person applying for a license declares that the dog is a wolf hybrid, a municipal clerk may issue a license without proof that the dog has been immunized against rabies. In accordance with Subsection 5, the license issued for the dog must state that the dog is a wolf hybrid.
- 3-B. **Proof of permanent identification.** A municipal clerk may not issue a license for a wolf hybrid until the applicant has filed with the clerk proof that the wolf hybrid has been permanently identified in accordance with Section 3921-A.
- 4. **Trained guide dogs.** If a trained dog has not been previously registered or licensed by the municipal clerk to whom the application is being made, the clerk shall not register the dog nor issue to its owner or keeper a license and tag unless written evidence is provided that the dog is trained and educated and intended to perform guide service for the applicant.
- 5. **Form of license.** The license must state the breed, sex, color and markings of the dog, whether the animal is a dog or wolf hybrid and the name and address of the owner or keeper. If the person applying for a license declares that the dog is a wolf hybrid, the license must state that the dog is a wolf hybrid. The license must be issued in triplicate and the original must be given to the applicant and the remaining 2 copies must be retained by the municipal clerk or dog recorder.
- 6. **Designation of wolf hybrid.** An owner or keeper of a dog declared as a wolf hybrid may not change the license designation. A dog that has been declared a wolf hybrid must be treated as a wolf hybrid in accordance with Title 22, Chapter 251, Subchapter V.

7 § 3923-A. License and Recording Fees

Except as provided in Subsection 3 and Section 3923-C, a dog owner or keeper obtaining a license from a municipal clerk or dog recorder shall pay the license and recording fees established in this section.

- 1. **Dogs or wolf hybrids capable of producing young.** A dog owner or keeper shall pay a fee of \$10 to the municipal clerk for each dog 6 months of age or older and capable of producing young. A dog is considered capable of producing young unless certification under Subsection 2 is provided.

The municipal clerk shall retain a \$1 recording fee and pay the remaining \$9 to the department for deposit in the Animal Welfare Fund.

2. **Dogs or wolf hybrids incapable of producing young.** A dog owner shall pay a fee of \$6 to the municipal clerk or to a veterinary licensing agent for each dog 6 months of age or older and incapable of producing young. A dog is considered incapable of producing young when the owner provides the following:
 - A. A written certificate issued by a veterinarian stating that the veterinarian has neutered the dog;
 - B. A written certificate issued by a veterinarian stating that the veterinarian has examined the dog and determined that the dog is incapable of producing young; or
 - C. A previous license stating that the dog is incapable of producing young.

The municipal clerk shall retain a \$1 recording fee, deposit \$2 in the municipality's animal welfare account established in accordance with Section 3945 and pay the remaining \$3 to the department for deposit in the Animal Welfare Fund.

- 2-A. **Rabies tags.** An owner shall ensure that a rabies tag obtained from a veterinarian for immunization against rabies is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the rabies tag was issued, except as provided in Subsection 3.
3. **Exemption from fees.** A municipal clerk or a veterinary licensing agent shall issue a license upon application and without payment of a license fee required under this section for:
 - A. A trained guide dog owned or kept by a visually impaired person or such a dog awaiting training;
 - B. A trained hearing dog owned or kept by a hearing-impaired person or such a dog awaiting training;
 - C. A trained service dog owned or kept by a physically impaired person or such a dog awaiting training;
 - D. A trained search and rescue dog recognized by the Department of Inland Fisheries and Wildlife or by the statewide association of search and rescue that cooperates with the Department of Inland Fisheries and Wildlife in developing standards for search and rescue or such a dog awaiting training; and
 - E. A dog certified by the State and used for law enforcement purposes.
4. **Late fees.** An owner or keeper required to license a dog under Section 3922, Subsection 1 or Section 3923-C, Subsection 1 and applying for a license for that dog after January 31st shall pay to the municipal clerk or dog recorder a late fee of \$15 in addition to the annual license fee paid in accordance with Subsection 1 or 2 and Section 3923-C, Subsection 1. The clerk or dog recorder shall deposit all late fees collected under this subsection

into the municipality's animal welfare account established in accordance with Section 3945.

An owner or keeper whose name appears on a municipal warrant issued in accordance with Section 3943 must pay the late fee required by that section and is not subject to this subsection.

7 § 3923-B. Tags and Stickers

1. **Tags and stickers.** The municipal clerk shall provide with each new license issued under Section 3923-A a tag indicating the year the license is issued and bearing other information prescribed by the department. The tag remains with the dog for as long as the dog is kept in the licensing municipality. At each license renewal, the municipal clerk shall provide a sticker indicating the year for which the license is valid. The sticker must be attached to the back of the tag. The owner or keeper shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued, except as provided in Subsection 3.

If a sticker and tag are lost or the owner has moved to a different municipality, the owner or keeper of the dog shall obtain a new license, tag and sticker. The municipal clerk shall issue another license, tag and sticker upon presentation of the original license and payment of \$1. The clerk shall retain the \$1 for a recording fee.

2. **Rabies tags.** [1997, c. 690, §16 (rp).]
- 2-A. **Rabies tags.** An owner shall ensure that a rabies tag obtained from a veterinarian for immunization against rabies is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the rabies tag was issued, except as provided in subsection 3. [1999, c. 254, §5 (new).]
3. **Exceptions.** A dog is not required to wear a tag when on the premises of the owner or off the premises of the owner while hunting, in training or in an exhibition. When a dog is hunting, in training or in an exhibition, its owner or keeper shall produce proof of licensure and proof of rabies immunization within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.

7 § 3923-C. Kennel License

1. **License necessary.** A person having 5 or more dogs for the purposes set forth in Section 3907, Subsection 17 shall obtain a kennel license from the clerk of the municipality where the dogs are kept and that person is subject to rules adopted by the department. The sex, registered number and description are not required for the dogs covered by a kennel license. The license expires December 31st annually. The kennel license permits the licensee or authorized agent to transport under control and supervision the kennel dogs in or outside the State.

- 2-A. **License fees.** A kennel owner shall pay a fee of \$42 to the municipal clerk for each license to keep dogs. A license is needed only for dogs 6 months of age or older. A kennel owner may not keep more than 10 dogs per license. The clerk shall retain \$2 as a recording fee and forward \$10 to the municipality's animal welfare account established pursuant to Section 3945 and \$30 to the Animal Welfare Fund.
3. **Form of license.** The license must be issued in triplicate, the original copy of which is given to the applicant and the remaining 2 copies retained by the municipal clerk. A license covers a maximum of 10 dogs.
4. **Kennel tags.** Dogs covered by a kennel license must be furnished suitable kennel tags and stickers that must be attached to the back of the tag indicating the year the license is issued and bearing other information as prescribed by the department and are not required to be individually licensed.
5. **Kennel inspection and quarantine.** Except for a kennel inspected by the department in accordance with Chapter 723, an animal control officer must inspect annually a kennel prior to the municipality issuing a kennel license. In addition to the annual inspection required under this subsection, an animal control officer, at any reasonable time, escorted by the kennel owner or the kennel owner's agent, may inspect the kennel. Inspections must be conducted in accordance with the sanitation and health rules established by the department for compliance with laws and rules. In conducting inspections, an animal control officer must use measures established by the department through rulemaking to prevent the spread of infectious and contagious diseases. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, Chapter 375, Subchapter II-A.

A veterinarian employed by the State or any licensed veterinarian may quarantine the kennel in person or by registered mail and the quarantine must be maintained as long as the veterinarian determines necessary. The decision and order for this quarantine is not considered a licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act.

6. **Late fees.** A late fee of \$25.00 in addition to the annual fee must be paid by a person who fails to obtain a municipal kennel license by January 31st of each year as required in this section. The late fee must be deposited in the municipality's animal welfare account established pursuant to section 3945.

7 § 3923-D. Temporary Licenses

An animal shelter may issue a temporary dog license when transferring ownership vested in the animal shelter under Section 3913, Subsection 4 to a person buying or otherwise accepting ownership. The department shall provide animal shelters with temporary license forms. The animal shelter shall complete all information prescribed on the form, provide the owner with the original temporary license and submit the copy for the municipal clerk and the animal control officer to the appropriate municipal clerk. The animal shelter may retain a copy of the temporary license to comply with Section 3914. A

temporary license is valid for a period of 10 days beginning on the date of issuance. An animal shelter may charge \$1 for issuing a temporary license.

7 § 3923-E. Monthly Report

Municipal clerks or dog recorders shall receive the license fees in accordance with Sections 3923-A and 3923-C, pay them to the department and make a monthly report to the department on a department-approved form of all licenses issued and fees received.

7 §3923-F. Veterinarian Serving as Dog Licensing Agent

The commissioner may authorize a veterinarian licensed in accordance with Title 32, Chapter 71-A to issue dog licenses under Section 3923-A. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, Chapter 375, Subchapter II-A. The rules must provide a process for identifying veterinarians who are willing to serve as dog licensing agents, for distributing license blanks, tags and stickers, and for the collection, distribution and deposit of license fees into the appropriate municipal and state accounts.

§3923-G. Internet Licensing Project

1. **Procedure developed: municipality participation.** The commissioner may develop and implement a procedure by which a dog owner can electronically apply for and be issued a dog license using a publicly accessible site on the Internet. A municipality may choose to participate in the electronic dog-licensing project by contacting and working with the commissioner. Electronic licensing is available only to residents of a municipality that requests and is accepted by the commissioner to participate in the electronic licensing project. The commissioner may limit the number of municipalities that participate in the project.
2. **Forms: verification of rabies immunization.** The Commissioner shall develop a form to be used for electronic licensing under this section. The commissioner shall consult with the Commissioner of Human Services to establish the information needed to verify rabies immunization.
3. **Payment of licensing fee.** The commissioner shall establish a mechanism for accepting payment of license fees by credit card. An owner or keeper who applies for a dog license using the publicly accessible site on the Internet developed pursuant to Subsection 1 shall pay the fee required under Section 3923-A and an additional service fee of \$1 for each license to cover administrative costs and pay the Internet service provider.
4. **Distribution of licensing fee.** The commissioner shall deposit all fees received under this section into the Animal Welfare Fund. The commissioner shall establish procedures for participating municipalities to periodically receive the appropriate credit or payment for license fees collected by the department under this section. A municipality is entitled to a payment or credit of \$3 for each dog licensed under this section. All payments or credits received by a municipality must be deposited or credited to the municipality's animal welfare account established in accordance with Section 3945.

5. **Sticker requirement.** Notwithstanding Section 3923-B, for a dog licensed under this section, the commissioner may waive the requirement that a sticker indicating the year for which a license is valid be affixed to the tag. An owner of a dog that does not have a valid sticker affixed to its tag shall produce proof of licensure and proof of rabies immunization within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.

7 § 3924. Violation

1. **Civil violation.** Any person who violates any section of this chapter commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.
2. **Unlawful use of collar or tag.** A person who removes a tag or who places a tag on a dog for which the license was not issued commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

CHAPTER 723 FACILITY LICENSES

7 § 3931-A. Breeding kennels

1. **License necessary.** A person maintaining a breeding kennel, as defined in Section 3907, must obtain a license from the department and is subject to rules adopted by the department. The license expires 12 months after the date of issuance.
2. **License fees.** The fee for a breeding kennel license is \$75.
3. **Dog licenses.** [1993, c. 468, §13 (rp).]
4. **Surcharge on sale of dogs and cats.** Repealed 2006

7 § 3931-B. Wolf Hybrid Kennel

The requirements of this section apply to a wolf hybrid kennel, as defined in Subsection 1. A person maintaining a wolf hybrid kennel that also is a breeding kennel as defined in Section 3907, Subsection 8-A is also subject to the licensing requirements in Section 3931-A.

1. **Definitions.** As used in this section, unless the context otherwise indicates, "wolf hybrid kennel" means a location where one or more wolf hybrids are kept and bred.
2. **Kennel registration required.** A person who operates a wolf hybrid kennel must register with the department on a form provided by the department. The form must include the name of the person operating the kennel, the mailing address and road or street address for the kennel and the number of wolf hybrids kept at the time of registration. The person who operates the kennel must submit with the registration form proof that each wolf hybrid has been permanently identified in accordance with Section 3921-A.
3. **Permanent identification of offspring; record of transfer.** A person operating a wolf hybrid kennel shall have the offspring of a wolf hybrid permanently identified prior to transferring ownership or care of the animal. When a wolf hybrid is sold, given away or exchanged or ownership or care of the wolf hybrid is otherwise transferred, the person operating the wolf hybrid kennel must notify the department of the transfer and provide the name and address of the person accepting transfer of the wolf hybrid.
4. **Inspection and quarantine.** A wolf hybrid kennel is subject to inspection and quarantine in accordance with Section 3936, Subsection 1.
5. **Violation.** A person who operates a wolf hybrid kennel who fails to comply with the provisions of this section commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

7 § 3932. Boarding Kennels

1. **License necessary.** A person maintaining a boarding kennel, as defined in Section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.
2. **License fees.** The fee for a boarding kennel license is \$75.
3. **Repealed.**
4. **Notice of fees and services.** A person maintaining a boarding kennel shall post upon the premises and provide upon request a written notice of fees charged for boarding and for any other services offered at the boarding kennel. The notice must indicate the hours during which the owner of the boarding kennel or a person responsible to the owner of the boarding kennel is on the premises.

7 § 3932-A. Animal Shelters

1. **License necessary.** A person operating an animal shelter as defined in Section 3907 shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.
2. **License fee.** The license fee for an animal shelter is \$100.

7 § 3933. Pet Shops

1. **License necessary.** A person maintaining a pet shop, as defined in Section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later.
2. **License fees.** The fee for a pet shop license is \$150.
3. **Records.** A person maintaining a pet shop shall keep a record of each animal received by the pet shop, except for mice and fish. The record must include the name and address of the person or company from whom the animal was received and the name and address of the person buying or otherwise acquiring the animal from the pet shop. The record must be maintained for a period of 2 years following the sale or other disposition of the animal by the pet shop.
4. **Surcharge on sale of dogs and cats that have not been neutered.** A person maintaining a pet shop shall collect a surcharge of \$25.00 on each cat or dog sold that has not been neutered and forward the entire surcharge to the department for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

7 § 3935. License Prohibited

The department may not issue a license to maintain a boarding kennel, a breeding kennel or pet shop to a person who, within the 5 years previous to the application for the license, has been convicted of a criminal violation under Title 17, Chapter 42, or under a criminal law involving cruelty to animals that is no longer in effect, or within 2 years previous to the application for the license, has been adjudicated of a civil violation for cruelty to animals under Chapter 739.

7 § 3935-A. Late fees.

A person maintaining a facility required to be licensed under this chapter shall pay a late fee equal to 50% of the required license fee if that person fails to renew a license within 30 days of that license's expiration date. The late fee must be deposited in the Animal Welfare Fund established in section 3906-B.

7 § 3936. Inspection and Quarantine

1. **Inspection and quarantine.** The commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, enter an animal shelter, kennel, boarding kennel, breeding kennel or pet shop and make examinations and conduct any recognized tests for the existence of contagious or infectious diseases or conditions. If the animal shelter, kennel, boarding kennel, breeding kennel or pet shop is also used for human habitation, the person authorized to make examinations and conduct tests must be escorted by the owner, or the owner's agent, of the animal shelter, kennel, boarding kennel, breeding kennel or pet shop and the examinations and tests may be made only in those portions of the premises used as an animal shelter, kennel, boarding kennel, breeding kennel or pet shop. The commissioner may inspect animal shelters, kennels, boarding kennels, breeding kennels and pet shops in accordance with the sanitation and health rules established by the department and for compliance with laws and rules, including licensing and permitting requirements, of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession. In conducting inspections, measures established by the department through rulemaking must be used to prevent the spread of infectious and contagious diseases. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, Chapter 375, Subchapter II-A. A veterinarian employed by the State or any licensed veterinarian may quarantine the animal shelter, kennel, boarding kennel, breeding kennel or pet shop, in person or by registered mail, and the quarantine must be maintained as long as the department determines necessary. The decision and order for this quarantine is not considered a licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act. The commissioner shall promptly notify the Department of Inland Fisheries and Wildlife of violations.
2. **Suspension of license.** The Administrative Court, upon complaint of the commissioner, the Attorney General or the Commissioner of Inland Fisheries and Wildlife, may revoke or suspend a kennel, boarding kennel, breeding kennel or pet shop license if a person maintaining the kennel, boarding kennel, breeding kennel or pet shop violates any quarantine or maintains

animals contrary to the rules adopted by the department, fails to keep records required by the department or violates any provision of the laws or rules of the Department of Inland Fisheries and Wildlife pertaining to wildlife importation and possession.

7 § 3937. Investigation

Upon written complaint made to the commissioner by any person alleging violation of this chapter, or any of the rules of the chapter by any licensee, the commissioner shall cause an investigation to be made upon matters related in the complaint.

7 § 3938. Violation

A person maintaining an animal shelter, boarding kennel, breeding kennel or pet shop without having obtained a license, or after a license has been revoked or suspended, commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 a day may be adjudged.

7 § 3939. Dog Licenses

Nothing in this chapter may be construed to exempt licensed facilities from the license requirements of Chapter 721.

CHAPTER 725 MUNICIPAL DUTIES

7 § 3941. Posting of Law

Municipal clerks, annually, at least 20 days before January 1st, shall post copies of Chapter 721 and this chapter in the usual places for posting notices of the annual municipal elections.

7 § 3942. Issuance of Dog Licenses

Municipal clerks shall issue dog licenses in accordance with Chapter 721, receive the license fees and pay to the department \$9 for dogs capable of producing young and \$3 from each license fee received for dogs incapable of producing young. The clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed and the sex, registered numbers and description of all dogs except those covered by a kennel license. The clerks shall make a monthly report to the department on a department-approved form of all dog licenses issued and fees received.

The clerk shall retain \$1 from each license fee as a recording fee. The clerk shall deposit \$2 from each license for a dog incapable of producing young in the municipality's animal welfare account established in accordance with Section 3945.

7 § 3943. Municipal Warrants

1. **Procedure.** Between February 1st and April 1st annually, the municipal officers of each municipality shall issue a warrant with the names and addresses of all owners or keepers of unlicensed dogs to one or more police officers, constables, sheriffs or animal control officers, directing them to send a notice of violation to the last known address of the owners or keepers or call on the owners or keepers. The warrant must further direct that demand be made on the owners or keepers to obtain a license from the municipal clerk within 7 days from the date of demand and remit to the clerk the license and recording fees plus a late fee of \$25 for each dog that is licensed. Finally, the warrant must direct the police officer, constable, sheriff or animal control officer to enter summons and complaint as soon as possible for all owners or keepers so notified who fail to comply with the order.
2. **Returns of warrant.** Each police officer, constable, sheriff or animal control officer to whom the warrant is issued shall return the warrant to the municipal clerk on or before July 1st of each year.
3. **Payments to officers.** Payment to certain officers must be as follows.
 - A. The municipal clerk shall deposit the late fees collected from all dog owners and keepers in a separate account pursuant to Section 3945.
 - B. Officers rendering services are entitled to compensation as the municipal officers may determine.

7 § 3944. Issuance of Kennel Licenses

Municipal clerks and dog recorders shall issue kennel licenses to kennel owners or operators in accordance with Section 3923-C.

7 § 3945. Use of License Fees and Court Fines Retained By Municipalities

Except for the \$1 recording fee pursuant to Section 3942 retained by the municipal clerk, all fees and court fines retained by municipalities must be kept in a separate account and must be used for the salaries and costs of animal control, enforcement of licensing laws, care of stray animals that are injured or abandoned and the support of one or more approved animal shelters. Any money not expended for these purposes in a municipality's fiscal year does not lapse, but must be carried over to the next fiscal year.

7 § 3946. Dog Recorders in Unorganized Territories

Dog recorders appointed by the commissioner in unorganized territories shall issue dog licenses, receive the license fees and pay them to the department. The recorders shall keep the clerk's copy of all licenses issued by them and make reports to the department on a form approved by the department of all licenses issued and fees received. The recorders shall report following each month in which licenses are actually issued and fees are actually collected.

7 § 3947. Animal Control Officers

Each municipality shall appoint one or more animal control officers whose duties are enforcement of Sections 3911, 3912, 3916, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952 and 4041 and Title 17, Section 1023 responding to reports of animals suspected of having rabies in accordance with Title 22, Sections 1313 and 1313-A and such other duties to control animals as the municipality may require.

A municipality may not appoint a person who has been convicted of a criminal violation under Title 17, Chapter 42 or has been adjudicated of a civil violation for cruelty to animals under Chapter 739 to the position of animal control officer.

Animal control officers must be certified in accordance with Section 3906-B, Subsection 4. Upon initial appointment, an animal control officer must complete training and be certified by the commissioner within 6 months of appointment.

Upon appointment of an animal control officer, municipal clerks shall notify the commissioner of the name, address and telephone number of the animal control officer.

7 § 3948. Animal Control

1. **Control.** Municipalities shall control dogs at large.
2. **Medical attention.** Law enforcement officers and animal control officers shall take a stray animal to its owner, if known, or, if the owner is unknown, to an animal shelter and ensure that any injured animal that is at large or in a public way is given proper medical attention.

3. **Domesticated and undomesticated animals.** A municipality shall control domesticated animals that are a cause of complaint in the community. A municipality shall control animals that pose a threat to public health or safety. A municipality may control undomesticated animals in matters on which no other department is charged by law to regulate.

7 § 3949. Animal Shelter Designation

Municipal clerks, annually, on or before April 1st, shall certify to the commissioner the name and location of the animal shelter with which the municipality has entered into a contract to accept stray animals or have an arrangement for an animal shelter that will accept stray animals. Animal shelters designated by the municipality under this section must comply with commissioner rules.

7 § 3950. Local Regulations

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, except that municipalities may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.

1. **Certain agricultural working dogs exempt from barking dog ordinances.** A municipal ordinance, law or regulation that prohibits or limits barking dogs does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock. For the purposes of this section, the term "livestock" has the same meaning as in section 3907, subsection 18-A.

7 § 3950-A. Official Refusal or Neglect of Duty

Any mayor, municipal officer, clerk, town or city manager, administrative assistant to the mayor, town or city councilor, dog recorder of unorganized territories, constable, police officer, sheriff or animal control officer who refuses or intentionally fails to perform the duties imposed by Chapters 719, 720, 721, 725 and 727 and by this chapter commits a civil violation for which a forfeiture of not less than \$50 nor more than \$250 and costs may be adjudged.

The Commissioner, at its own instance or upon written complaint made to it by any person, shall investigate any alleged refusal or neglect of duty by any municipal officer.

The Commissioner shall direct proceedings, actions and prosecutions to be instituted to enforce all laws relating to animals and to the liability of municipal officers and their agents for failure, neglect or refusal to comply with the laws relating to animals.

The Attorney General and district attorneys, upon the Commissioner's written request, shall institute such legal proceedings as may be necessary to carry out this section.

CHAPTER 727 DANGEROUS DOGS

7 § 3951. Killing for Assault Permitted

Any person may lawfully kill a dog if necessary to protect that person, another person or a domesticated animal during the course of a sudden, unprovoked assault.

7 § 3952. Keeping a Dangerous Dog

A person who owns or keeps a dangerous dog commits a civil violation for which the court shall adjudge a fine of not less than \$250 and not more than \$1,000, plus costs, none of which may be suspended.

1. **Procedure.** Any person who is assaulted or threatened with imminent bodily injury by a dog or any person witnessing an assault or threatened assault against a person or domesticated animal or a person with knowledge of an assault or threatened assault against a minor, within 30 days of the assault or threatened assault, may make written complaint to the sheriff, local law enforcement officer or animal control officer that the dog is a dangerous dog.

Upon investigation of the complaint, the sheriff, local law enforcement officer or animal control officer may issue a civil violation summons for keeping a dangerous dog.

If, upon hearing, the court finds that the dog is a dangerous dog as defined in Section 3907, Subsection 12-D, the court may impose a civil forfeiture and shall:

- A. Order the dog muzzled, restrained, confined to the premises of its owner or keeper or confined in a secure enclosure. The court may set standards for that enclosure; or
- B. Order the dog to be euthanized if it has killed, maimed or inflicted serious bodily injury upon a person or has a history of a prior assault.

The court may order restitution in accordance with Title 17-A, Chapter 54 for any damages inflicted upon a person or a person's property.

2. **Failure to abide by court order.** If the court order in Subsection 1, Paragraph B, is not complied with within the time set by the court, the court may, upon application by the complainant or other person, issue a warrant to the county sheriff or any of the sheriff's deputies or to a police officer or constable in the municipality where the dog is found, commanding the officer to kill the dog immediately and make a return of the warrant to the court within 14 days from the date of the warrant.

The owner or keeper must be ordered to pay all costs of supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog.

3. **Dogs presenting immediate threat to public.** After issuing a summons and before hearing, if the dog poses an immediate or continuing threat to the public, a sheriff, local law enforcement officer or animal control officer shall order the owner or keeper of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog confined at the owner's expense at a place determined by the sheriff, local law enforcement officer or animal control officer. If the owner or keeper fails to comply, the sheriff, local law enforcement officer or animal control officer may apply to District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public and turn the dog over to the applicant or other suitable person.
- 4-A. **Ex parte.** An order may be entered ex parte upon findings by the court or justice of the peace when:
- A. The dog has inflicted a serious bodily injury as defined in Title 17-A, Section 2, Subsection 23; or
 - B. There is a reasonable likelihood that the dog is dangerous or vicious and:
 - (1) Its owner has failed to muzzle, restrain or confine the dog; and
 - (2) That failure poses an immediate threat of harm to the public.
- 4-B. **Modify order.** An order may be modified by the court.
- A. Upon 2 days notice or a shorter period the court may prescribe, the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution the modification of the ex parte order.
 - B. The court shall hear and determine the motion as expeditiously as possible.
 - C. The owner shall submit an affidavit setting forth the specific facts to substantiate the modification or dissolution of the order. The applicant has the burden of presenting evidence to substantiate the original findings.
5. **Lien.** Any person taking possession of a dog as provided in this section has a lien on that dog in accordance with Title 17, Section 1021, Subsection 6.
6. **Treble damages.** If a dog whose owner or keeper refuses or neglects to comply with the order wounds any person by a sudden assault or wounds or kills any domestic animal, the owner or keeper shall pay the person injured treble damages and costs to be recovered by a civil action.
7. **Class D crime.** If the owner refuses or neglects to comply with an order issued under Subsection 1 or 4-A, the owner commits a Class D.

7 § 3953. Stealing, Injuring or Killing Dogs

Except as provided in Section 3951 and Title 12, Sections 7504 and 7505, and unless the killing is justified to protect persons or property, any person who steals, confines or secretes, willfully or negligently injures or willfully or negligently kills a dog is liable in damages to its owner in a civil action.

CHAPTER 729 DAMAGE BY ANIMALS

7 § 3961. Reimbursement for Damage Done By Animals

1. **Injuries and damages by animal.** When an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured.
2. **Injures by dog.** Notwithstanding Subsection 1, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of damages. Any fault on the part of the person injured may not reduce the damages recovered for physical injury to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner.

7 §3961-A. Attack on Service Dog

A person who owns or keeps a dog that attacks, injures or kills a service dog while the service dog is in discharge of its duties commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

When a person is adjudicated of a violation of this section, the court shall order the person to make restitution to the owner of the service dog for any veterinary bills and necessary retraining costs or replacement costs of the dog if it is disabled or killed.

For the purposes of this section, "service dog" means a guide dog for the visually impaired, a hearing dog trained to alert a person with impaired hearing or a personal care dog as defined in Title 17, Section 1312, Subsection 7.

7 § 3962-A. Penalty for Damage to Livestock or Pets By Animals

1. **Violation.** Except as provided in Subsection 3, the owner or keeper of an animal that due to negligence of the animal's owner or keeper kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in addition to costs.
2. **Additional remedy.** A person who suffers damage as a result of a violation of Subsection 1 may also pursue a civil action against the owner or keeper of the animal pursuant to Section 3961.
3. **Exception.** If the owner or keeper of an animal that kills or injures another animal establishes that the animal that was killed or injured provoked the killing or injury or that the animal that committed the killing or injury was leashed or controlled on the owner's or keeper's property at the time of the killing or injury, then the owner or keeper is not liable under this section or Section 3961.

7 § 3963. Joint and Several Liability

If any properly enclosed livestock, poultry, domestic rabbits or pets are killed or injured by 2 or more dogs at the same time and the dogs are kept by 2 or more owners or keepers, the owners or keepers are jointly and severally liable for the damage.

CHAPTER 730-A
BREEDING, SALE AND TRANSPORTATION OF SMALL MAMMALS

7 §3970-A. Sale and importation of juvenile ferrets

1. **Prohibition on sale.** A person, firm, corporation or other business entity may not sell or offer for sale or resale in the State any ferret that is less than 8 weeks of age as determined by examination for adult canine dentition.
2. **Prohibition on importation.** A person, firm, corporation or other business entity may not ship or bring into the State any ferret that is less than 8 weeks of age as determined by examination for adult canine dentition unless that ferret is transported with its mother.
3. **Penalty.** A person who violates this section commits a civil violation for which a fine not to exceed \$100 per violation may be adjudged.

7 § 3970-B. Breeding and Sale of Small Mammals

1. **Rulemaking.** The commissioner shall adopt major substantive rules in accordance with Title 5, Chapter 375, Subchapter 2-A to regulate the breeding and sale of small mammals, including, but not limited to, guinea pigs, hamsters and rabbits. The rules must reflect the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture for the care of small mammals. Rules adopted pursuant to this section apply to persons who are not regulated or required to be licensed under Chapter 723 or 735.
2. **Penalty.** A person who violates the rules adopted under this section commits a civil violation for which a fine not to exceed \$100 per violation may be adjudged.

CHAPTER 731 MISTREATMENT OF ANIMALS

7 § 3971. Vivisection Prohibited in Public and Private Schools

1. **Use of animals in schools.** No live vertebrate, except eggs, may be used in kindergarten and grades one to 12 of any public or private school as part of a scientific experiment or for any other purpose in which the animal is experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions, or in which the animal is injured through any other type of treatment, experiment or procedure, including, but not limited to, anesthetization or electric shock or where the normal health of the animal is interfered with or where pain or distress is caused.

No person may, in the presence of any student in kindergarten and grades one to 12, practice vivisection or exhibit a vivisected animal. Dissection of dead animals or any portions of dead animals in schools shall be confined to the classroom and to the presence of students engaged in the study of dissection and shall not be for the purpose of exhibition.

This subsection shall also apply to any activity associated with or sponsored by the school system.

2. **Treatment of animals in general.** Live animals used as class pets or for purposes not prohibited in Subsection 1 shall be housed and cared for in a safe and humane manner. The animals shall not remain in school over periods when school is not in session, unless adequate care is provided at all times.
3. **Standards of treatment.** Any animal whose use is permitted under this section shall be treated in accordance with the ethical and humane standards promulgated by the commissioner pursuant to the rule-making provisions of the Maine Administrative Procedure Act, Title 5, Chapter 375, after consultation with representative groups in the State having an interest or expertise in the field of animal welfare, biology and education.
4. **Enforcement.** The commissioner shall enforce this section in consultation with the Commissioner of Education.
5. **Penalty for violations.** Any person who violates this section shall be punished by a fine of not more than \$75.

7 § 3972. Unlawful Use of Animals

1. **Unlawful use of animals.** It is unlawful for any person to:
 - A. Sell, display, raffle, give away or offer for sale within the State any live animals that have been dyed or otherwise artificially colored;
 - B. Sell, display, raffle, give away or offer for sale to the public any live fowl, turtles or rabbits under 8 weeks of age in lots of less than 6;

- C. Use any live animal as a premium, fund-raising device, prize or award or use any live animal in a raffle, contest, game or promotion except as authorized by law or rule;
 - D. Use any live animal as bait in any racing contest or in the training of animals for racing contests;
 - E. Tie, tether or restrain any animal in a manner that is inhumane or detrimental to its welfare; or
 - F. Intentionally cause an equine to fall or lose its balance by any means whatsoever. For the purposes of this paragraph, the term "equine" means, but is not limited to, a horse, mare, pony, ass, donkey, burro, mule or hinny. This paragraph does not apply to the lawful laying down of an equine for medical or identification purposes.
- 2. **Violation.** Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged. For the purposes of this section, "animal" does not include lobsters or shellfish.
 - 3. **Construction.** Nothing in this section may be construed to apply to any animal to be used or raised for agriculture, aquaculture or fishing, to any dog to be used or raised for hunting or exhibition purposes, by persons with proper facilities otherwise authorized by law, or to games using animals in which the participating animal is not caused, directly or indirectly, to perform any act that deviates from the animal's natural behavior provided that the game is conducted by an educational or cultural institution or other nonprofit service organization.
 - 4. **Exception.** Notwithstanding Subsection 1, Paragraph C, livestock may be raffled by charitable organizations licensed under Title 17, Section 332, Subsection 6 for fund-raising purposes. For the purposes of this section, "charitable organization" has the same meaning as defined in Title 9, Section 5003, Subsection 1. Proceeds from a raffle under this subsection must be used for charitable purposes. The animal must be awarded in freezer ready form.

CHAPTER 733 TRANSPORTATION OF ANIMALS

7 § 3981. Intrastate transportation of animals

1. **Period of confinement.** No railroad, motor truck, common carrier or its receiver, trustee or lessee which transports animals within the State or other person having the care, custody or charge of animals loaded into any such form of transportation may confine the animals in cars, boats, vehicles or vessels of any description for a period longer than 28 consecutive hours without unloading the animals in a humane manner, by means of a chute or tailgate of sufficient size, into properly equipped pens or other suitable enclosures for rest, water and feeding for a period of at least 5 consecutive hours, unless prevented by storm, accident or other unavoidable cause which cannot be anticipated or avoided by the exercise of due diligence and foresight.

In estimating the time of confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest, food or water in a car, boat, vehicle or vessel shall be included.

2. **Extension of time for confinement.** Upon the separate written request of the owner or person in custody of the shipment of animals, the time of confinement may be extended to 36 hours.
3. **Sheep.** A railroad, motor truck, common carrier or its receiver, trustee or lessee, or other person having the care, custody or charge of sheep loaded into any such form of transportation, is not required to unload sheep in the nighttime, but, when the time expires in the nighttime, the sheep may continue in transit to a suitable place of unloading not exceeding the maximum limitation of 36 hours during which they may be confined.
4. **Preference of animals as freight.** A railroad, motor truck and common carrier within the State shall give cars, boats, vehicles or vessels containing cattle, sheep, swine or other animals a continuous passage in preference to other freight. Cars, boats, vehicles or vessels loaded with animals at any station shall have precedence over all other freight.
5. **Conditions of transportation.** Cars, boats, vehicles or vessels shall be sufficiently covered or boarded on the sides and ends to afford proper protection to animals in case of storms or severe cold weather and shall be properly ventilated. A greater number of animals shall not be loaded into any car, boat, vehicle or vessel than can stand comfortably within.

No person may transport any animal in or upon any car, boat, vehicle or vessel in a cruel or inhumane manner.

6. **Violation.** Any person who violates this section commits a civil violation for which a forfeiture of not less than \$50 nor more than \$500 for every such offense may be adjudged.

7. **Construction.** Nothing in this chapter may be construed to prohibit the use of strike cages for dogs while in the lawful sport of hunting or in training or the movement of livestock or poultry when standards of the industry are followed.

7 § 3982. Liens

A railroad, motor truck, common carrier or its receiver, trustee or lessee has a lien on all animals in transit for reimbursement of penalties paid in consequence of the direction or orders of the owner or person in custody of the shipment of animals and for all extra expenses or damages incurred in the care and protection of animals according to this chapter.

7 § 3983. Possession of Animals Unlawfully Detained

The commissioner, a humane agent, sheriff, deputy sheriff, constable, police officer or person authorized to make arrests may take possession of any animals detained in violation of this chapter and may unload the animals and place them in properly equipped pens or other suitable enclosures for rest, water and feeding. The commissioner or any person taking possession pursuant to this section has a lien on the animals detained for expenses incurred for the care given.

7 § 3984. Enforcement of Lien

The commissioner or any person having a lien in accordance with Section 3982 or 3983 may enforce the lien in the same manner as enforcements of liens on personal property pursuant to Title 10, Chapter 631.

7 § 3985. Immunity From Liability

Neither the commissioner nor any person having a lien in accordance with Section 3982 or 3983 is liable for the detention of animals pursuant to this chapter.

CHAPTER 735 RESEARCH INSTITUTIONS

7 § 3991. Regulation of Research Institutions

1. **License necessary.** No research or teaching institution of higher education may employ live animals in scientific investigation, experiment or instruction or for the testing of drugs or medicines without first having been issued a license under this section by the commissioner. A research or teaching institution desiring to obtain a license shall make application to the commissioner. On receipt of the application, the commissioner shall make or cause to be made such investigation as the commissioner considers necessary to determine whether the public interest will be served by the issuance of the license. The commissioner may issue the license provided that the research or teaching institution, by reason of its standards, facilities, practices or activities, is a fit and proper institution to receive the license and that its issuance is in the public interest. The standards for licensure are those contained in the United States Code, Title 7, Section 2143, and any federal regulations issued pursuant to that law. Nothing in this chapter may be construed to be more restrictive than federal law. In the case of conflict between state law and federal law or a mandatory rule, regulation or order of the Federal Government or its agencies, the federal law, rule, regulation or order governs. Each research or teaching institution licensed under this chapter, before issuance of the license, shall pay to the commissioner a license fee of \$200. Each license expires on June 30th next following the date of issue. The commissioner shall annually renew each license upon the application of the licensee, unless, after notice and hearing as provided in this chapter, the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the renewal is not in the public interest. The commissioner, after notice and hearing as provided in this chapter, may modify, fail to renew, suspend or revoke any license if the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the continuation of the license is not in the public interest.
2. **Noncompliance.** If, in the opinion of the commissioner, there is or may be noncompliance with or a violation of this chapter or of any rule adopted by the commissioner that is of sufficient gravity to warrant further action, the commissioner may request an informal conference with the licensee. The commissioner shall provide the licensee with adequate notice of the conference and the issues to be discussed.

If the commissioner finds that the factual basis of the alleged noncompliance with or violation of this chapter is true and may warrant further action, the commissioner:

- A. With the consent of the licensee, may enter into a consent agreement which fixes the period and terms of probation best adapted to protect the health and welfare of animals and to rehabilitate or educate the licensee;

- B. In consideration for acceptance of a voluntary surrender of the license, may negotiate stipulations, in a consent decree to be signed by the commissioner, the licensee and the office of the Attorney General, which ensure protection of the health and welfare of animals and which serve to rehabilitate or educate the licensee;
 - C. If the commissioner concludes that modification or nonrenewable of the license may be in order, shall hold an ad judicatory hearing in accordance with the Maine Administrative Procedure Act, Title 5, Chapter 375, Subchapter IV; or
 - D. If the commissioner concludes that suspension or revocation of the license is in order, shall file a complaint in the Administrative Court in accordance with Title 4, Chapter 25.
3. **Grounds for discipline.** The following shall be grounds for an action to modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter:
- A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
 - B. Any violation of this chapter or any rule adopted by the commissioner; or
 - C. Conviction of a crime involving cruelty to animals.
4. **Penalty.** Any person who knowingly violates this chapter or the rules issued pursuant to this chapter commits a civil violation for which the following forfeiture may be adjudged:
- A. For the first violation, a forfeiture not to exceed \$100; and
 - B. For each subsequent violation, a forfeiture not to exceed \$250.
5. **Rules.** The commissioner may adopt such rules as are necessary to carry out the purposes of this chapter.
6. **Inspection.** In connection with the granting, continuance or renewal of a license and in connection with an investigation of alleged cruelty or alleged violation of this chapter or the rules issued pursuant to this chapter, the commissioner, at least annually, may visit and inspect the research and teaching institutions, animal research and care facilities of any licensee or of any research or teaching institution which has applied for a license.

CHAPTER 737
CALF AND PIG SCRAMBLES

7 § 4001. Regulation of calf and pig scrambles

1. **Permit required.** Any person sponsoring a calf or pig scramble shall obtain a permit from the commissioner for each specific event at least 10 days before the event.
2. **Application.** Applications for calf or pig scramble permits shall specify the name of the applicant, the type of scramble and the date or dates of the scramble.
3. **Fee.** A fee of \$10 must be submitted with any application for a calf or pig scramble.
4. **Rules.** Each applicant obtaining a permit under this section is subject to the rules adopted by the commissioner on the weight and size of animals, age of participants, length of event and such other requirements as the commissioner considers necessary.
5. **Violation.** Any person who violates this chapter or any of the rules issued pursuant to this chapter commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

CHAPTER 739
CRUELTY TO ANIMALS

7 § 4011. Cruelty to Animals

1. **Cruelty to animals.** Except as provided in Subsection 1-A, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege;
 - B. Except for a licensed veterinarian or a person certified under Title 17, Section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death;
 - C. If that person is a licensed veterinarian or a person certified under Title 17, Section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians;
 - D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs to an animal with an intent to harm the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal;
 - E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions;
 - F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the months of December, January, February or March without providing necessary sustenance and proper shelter;
 - G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, Chapter 202-A and Title 12, Part 10;
 - H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; or
 - I. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal.
- 1-A. **Animal cruelty.** Except as provided in Paragraphs A and B, a person is guilty of cruelty to animals if that person kills or attempts to kill a cat or dog.

- A. A licensed veterinarian or a person certified under Title 17, Section 1042 may kill a cat or dog according to the methods of euthanasia under Title 17, Chapter 42, Subchapter IV.
 - B. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting with a firearm provided the following conditions are met.
 - (1) The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot.
 - (2) Death is instantaneous.
 - (3) Maximum precaution is taken to protect the general public, employees and other animals.
 - (4) Any restraint of the cat or dog during the shooting does not cause undue suffering to the cat or dog.
2. **Affirmative defenses.** It is an affirmative defense to this section that:
- A. The conduct was performed by a licensed veterinarian or was a part of scientific research governed by accepted standards;
 - B. The conduct was designed to control or eliminate rodents, ants or other common pests on the defendant's own property; or
 - C. The conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 10.

Evidence of proper care of any animal shall not be admissible in the defense of alleged cruelty to other animals.

7 § 4012. Cruelty to Birds

1. **Cruelty to birds.** A person is guilty of cruelty to birds if that person:
- A. Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship;
 - B. Shoots at any bird or is present as a party, umpire or judge at a shooting; or
 - C. Rents any building, shed, room, yard, field or premises or knowingly allows the use of the same for the purposes of Paragraphs A and B.
2. **Construction.** Nothing in this section may be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, Chapter 707, Subchapter IX.

3. **Affirmative defense.** It is an affirmative defense to this section that the conduct involved the use of live animals in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 10.

7 § 4013. Necessary Sustenance

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

1. **Food.** The food shall be of sufficient quantity and quality to maintain all animals in good health.
2. **Water.** If potable water is not accessible to the animal at all times, it must be provided daily and in sufficient quantity for the health of the animal. Snow or ice is not an adequate water source.

7 § 4014. Necessary Medical Attention

No person owning or responsible for confining or impounding any animal may fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed or overgrown hoof.

7 § 4015. Proper Shelter, Protection From the Weather and Humanely Clean Conditions

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter, protection from the weather and humanely clean conditions as prescribed in this section.

1. **Indoor standards.** Minimum indoor standards of shelter shall be as follows:
 - A. The ambient temperature shall be compatible with the health of the animal.
 - B. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.
2. **Outdoor standards.** Minimum outdoor standards of shelter shall be as follows:
 - A. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - B. Except as provided in Subsection 5 and 6, shelter from inclement weather must be as follows:

- (1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species concerned must be provided as necessary for the health of the animal.
 - (2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof must be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes.
- C. No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.
- 3. **Space standards.** Minimum space requirements for both indoor and outdoor enclosures shall include the following:
 - A. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
 - B. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.
- 4. **Humanely clean conditions.** Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards.
- 5. **Livestock.** Livestock must be provided with shelter suitable for the health of the animal. Livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with Subsection 2, Paragraph B, Subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in Section 1341, Subsection 5 kept at a licensed commercial large game shooting area as defined in Section 1341, Subsection 1.
- 6. **Dogs confined by tethering for long time periods.** In addition to the requirements of Subsection 2, Paragraph B, Subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:
 - A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds,

the portal must be constructed in a manner that keeps wind and precipitation out of the interior. The shelter must have clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For arctic breeds, the chain or tether must be at least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail.

For the purposes of this subsection, "primary means of confinement" means the method used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, "arctic breeds" means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate.

7 § 4016. Violation

1. **Penalty.** A person who violates this chapter commits a civil violation.
 - A. The court shall adjudge a civil fine of not less than \$500 nor more than \$2,500 for the first violation, none of which may be suspended, and a civil fine of not less than \$1,000 nor more than \$5,000 for a 2nd or subsequent violation of Section 4011, none of which may be suspended.
 - B. The court may order a person adjudicated as having violated the laws against cruelty to animals to pay the costs of the care, housing and veterinary medical treatment for the animal.
 - C. The court, as part of the judgment, may prohibit a person adjudicated as having violated the laws against cruelty to animals from owning, possessing or having on the defendant's premises an animal for a period of time up to and including permanent relinquishment.

The court as part of the judgment, may order that the defendant submit to and complete a psychological evaluation for in camera review by the court.

2. **Criminal or civil prosecution.** A person may be arrested or detained for the crime of cruelty to animals under Title 17, Chapter 42, Subchapter III in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State may elect to charge a defendant with either the crime of cruelty to animals under Title 17, Chapter 42, Subchapter III or the civil violation of cruelty to animals under this chapter. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudication of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for

the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election or determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under Title 17, Chapter 42, Subchapter III or adjudication under this chapter.

7 § 4017. Rules

The commissioner may adopt any rules necessary or useful to carry out this chapter pursuant to the Maine Administrative Procedure Act, Title 5, Chapter 375.

7 § 4018. Report of Suspected Cruelty

1. **Report by veterinarian.** A veterinarian licensed in accordance with Title 32, Chapter 71-A who, while acting in a professional capacity, has reasonable cause to suspect that an animal is the subject of cruelty or neglect in violation of this chapter or Title 17, Chapter 42, may report the suspected violation to the commissioner, the commissioner's designee, an animal control officer, attorney for the State or law enforcement officer. A veterinarian making a report under this section may appear and testify in a judicial or administrative proceeding concerning the condition or care of the animal.
2. **Immunity.** A veterinarian reporting or testifying under this section is immune from criminal or civil liability or professional disciplinary action that might otherwise result from these actions. The immunity from liability for releasing confidential information applies only to the release of information to the court or to the department, an animal control officer, attorney for the state or law enforcement agency involved in the investigation.

CHAPTER 741
ANIMAL TRESPASS

7 § 4041. Animal Trespass

- 1-A. **Trespass.** An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by a law enforcement officer or animal control officer that that animal was found on the property of an other.
2. **Removal.** The owner or keeper of an animal is responsible, at the owner's or keeper's expense, for removing any animal found trespassing. An animal control officer or law enforcement officer may, at the owner's or keeper's expense, remove and control an animal found trespassing if:
 - A. The owner or keeper fails to remove the animal after having been notified by an animal control officer or law enforcement officer that the animal was trespassing; or
 - B. The animal is an immediate danger to itself, persons or another's property.
3. **Civil violation.** A person commits a civil violation if an animal owned or kept by that person is found trespassing, and:
 - A. That person fails to remove the animal within 12 hours after having been personally notified by an animal control officer or law enforcement officer that the animal was trespassing.
4. **Forfeiture.** A forfeiture of not less than \$50 nor more than \$500 must be adjudged for a civil violation under Subsection 3. In addition, the court may as part of the sentencing include an order of restitution for costs incurred in removing and controlling the animal. When appropriate, the court may order restitution to the property owner based on damage done and financial loss. Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the owner against the offender based on the same facts.
5. **Exemption.** A person is not liable under this section if, at the time of the alleged trespass, that person was licensed or privileged to allow the animal to be on the property.
6. **Definition.** For the purposes of this section, the term "animal" does not include cats.

Chapter 743

EQUINE ACTIVITIES

7 § 4101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **BOARDING STABLE.** [1999, c. 498, §2 (rp) .]
2. **COMMERCIAL RIDING FACILITY.** [1999, c. 498, §2 (rp) .]
3. **ENGAGE IN AN EQUINE ACTIVITY.** [1999, c. 498, §2 (rp) .]
4. **EQUINE.** "Equine" means a horse, pony, mule, donkey or hinny.
5. **EQUINE ACTIVITY.** "Equine activity" includes but is not limited to the following:
 - A. Riding or driving an equine or riding as a passenger on or in a vehicle powered by an equine.
 - B. Equine training, teaching or testing activities;
 - C. Boarding or keeping an equine, including, but not limited to, normal daily care of an equine;
 - D. Riding, inspecting or evaluating an equine belonging to another person, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect or evaluate the equine; and
 - E. Rides, trips, hunts or other equine activities of any type, however informal or impromptu that are sponsored by an equine activity sponsor.
 - F. Providing or assisting in the provision of hoof care, including, but not limited to, horseshoeing;
 - G. Trailering, loading, unloading or transporting an equine.
 - H. Providing or assisting in the provision of veterinary treatment or maintenance care for an equine.
 - I. Conducting or assisting in the conducting of procedures necessary to breed an equine by means of artificial insemination or otherwise.
 - J. Participating in an equine activity sponsored by an equine activity sponsor.
 - K. Participating or assisting a participant in an equine activity at an equine event.

- L. Managing or assisting in the managing of an equine in an equine event.
 - M. Showing or displaying an equine.
 - N. Operating or assisting in the operation of an equine event.
 - O. Providing or assisting in the provision of equine dental care; and
 - P. Participating in racing.
5. **Equine Activity Sponsor.** Equine activity sponsor" means an individual, group, club, partnership, corporation or other entity, whether operating for profit or nonprofit, that sponsors, organizes or provides the facilities for an equine activity, including, but not limited to: pony clubs; 4-H clubs; field trial clubs; hunt clubs; riding clubs; classes or programs sponsored by a school or college; therapeutic riding programs; and operators, instructors and promoters of equine facilities at which equine activities are held, including, but not limited to, stables, clubhouses, pony ride strings, fairs and arenas.
- 6-A. **Equine Event.** "Equine event" means an event in which an equine activity occurs, including, but not limited to, fairs, competitions, performances or parades that involve any breed of equine and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, 3-day events, combined training, 4-H events, Pony Club events, rodeos, driving, pulling, cutting, reining, team penning, barrel racing, polo, steeple chasing, endurance or nonendurance trail riding, English and western performance riding, games, packing, recreational riding and hunting.
7. **Equine professional.** "Equine professional" means a person engaged for compensation:
- A. In instructing a participant or renting to a participant an equine for the purpose of riding, driving or being a passenger on the equine;
 - B. In renting equipment or tack to a participant;
 - C. In providing daily care of equines boarded at an equine facility; or
 - D. In training an equine.
- 7-A. **Inherent risks of equine activities.** "Inherent risks of equine activities means those dangers and conditions that are an integral part of equine activities, including but not limited to:
- A. The propensity of an equine to behave in ways that may result in damages to property or injury, harm or death to persons on or around the equine. Such equine behavior includes, but is not limited to bucking, shying, kicking, running, biting, stumbling, rearing, falling and stepping on;

- B. The unpredictability of an equine's reaction to such things as sounds, sudden movements and unfamiliar objects, persons or other animals;
 - C. Certain hazards such as surface and subsurface conditions;
 - D. Collisions with other equines or objects; and
 - E. Unpredictable or erratic actions by others relating to equine behavior.
- 8. **Participant.** "Participant" means a person, whether amateur or professional, who directly engages in an equine activity.
 - 9. **Spectator.** "Spectator" means a person who is in the vicinity of an equine activity but who is not a participant.

7 § 4103-A. Liability for Equine Activities

- 1. **Liability.** Except as provided in Subsection 2, an equine activity sponsor, an equine professional or any other person engaged in an equine activity is not liable for any property damage or damages arising from the personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. Except as provided in Subsection 2, a person may not make any claim or recover from any person for any property damage or damages for personal injury or death resulting from the inherent risks of equine activities. Each participant and spectator in an equine activity expressly assumes the risk and legal responsibility for any property damage or damages arising from personal injury or death that results from the inherent risk of equine activities. Each participant has the sole responsibility for knowing the range of that person's ability to manage, care for and control a particular equine or perform a particular equine activity. It is the duty of each participant to act within the limits of the participant's own ability, to maintain reasonable control of the particular equine at all times while participating in an equine activity, to heed all warnings and to refrain from acting in a manner that may cause or contribute to the injury of any person or damage to property.
- 2. **Exceptions; participants.** Nothing in Subsection 1 prevents or limits the liability of an equine activity sponsor, an equine professional or any other person engaged in an equine activity, if the equine activity sponsor, equine professional or person:
 - A. Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and the equipment or tack was faulty to the extent that it did cause the injury;
 - B. Owns, leases, rents or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition that was known or should have been known to the equine activity sponsor, equine professional or person;

- C. Commits an act or omission that constitutes reckless disregard for the safety of others and that act or omission caused the injury. For the purposes of this section, "reckless" has the same meaning as "recklessly" defined in Title 17-A, Section 35, Subsection 3, Paragraph A; or
 - D. Intentionally injures the participant.
3. **Assumption of risk.** In personal injury action against an equine professional, a defense or immunity described in Subsection 1 may be asserted only if person injured in the course of an equine activity:
- A. Had actual knowledge of the inherent risks or equine activities;
 - B. Had professed to have sufficient knowledge or experience to be on notice of the inherent risks; or
 - C. Had been notified of the inherent risks and the limitations of liability.

For the purposes of this subsection, notice of the inherent risks of equine activity may be satisfied either by a statement signed by the person injured or by a sign or signs prominently displayed at the place where the equine activity was initiated. The statement or sign must contain at least the following information:

"WARNING"

Under Maine law, an equine professional has limited liability for an injury or death resulting from the inherent risks of equine activities."

The message on a sign must be in black letters at least one inch in height and the sign or signs must be placed in a clearly visible location on or near stables, corrals or arenas where the equine professional conducts equine.

4. **Exceptions; persons who are not participants.** Nothing in Subsection 1 prevents or limits the liability of an equine activity, if that equine activity:
- A. Causes injury or death to a person who is not a participant and who is in a place where a reasonable person would not expect an equine activity to occur; or
 - B. Causes injury or death to a spectator and that spectator was in a place designated or intended by an activity sponsor as a place for spectators.

Chapter 745

SALE OF DOGS AND CATS

7 § 4151. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 589, §1 (new).]

1. **Animal.** "Animal" means a dog, wholly or in part of the species *canis familiaris* or cat, wholly or in part of the species *felis domesticus*.
2. **Breeder.** "Breeder" means a person, firm, partnership, corporation or association that breeds animals for direct or indirect or indirect sale to the public.
3. **Health Problem.** "Health problem" means any disease, illness or any congenital or hereditary condition that would impair the health or function of an animal.
4. **Pet dealer.** "Pet dealer" means a person, firm, partnership, corporation or association, including breeders that sell more than 16 animals to the public in a 12-month period. "Pet dealer" does not include humane societies, nonprofit organizations performing the functions of humane societies or animal shelters licensed in accordance with section 3932-A.
5. **Veterinarian.** "Veterinarian" means a person licensed as a veterinarian in any state.

7 § 4152. Disclosure

1. **Required disclosure.** A pet dealer shall deliver to a purchaser of an animal a written disclosure containing the following:
 - A. An animal history that includes:
 - (1) For pet dealers licensed with the United States Department of Agriculture, the name, address and the United States Department of Agriculture license number of the breeder and any broker who has had possession of the animal;
 - (2) The date of the animal's birth;
 - (3) The date that the pet dealer received the animal;
 - (4) The breed, sex, color and identifying marks of the animal;
 - (5) The individual identifying tag, tattoo or collar number;
 - (6) For pure bred animals, the name and registration number of the sire and dam and the litter number; and
 - (7) A record of inoculations, worming treatments, medication or any veterinarian treatment received by the animal while in the possession of the breeder or dealer.
 - B. A statement signed by the pet dealer that the animal at time of delivery has no known health problem or a statement disclosing any known

health problem. The statement must include the date at which the dealer is aware that the animal was last seen by a veterinarian.

- C. A pet dealer who represents an animal as eligible for registration with an animal pedigree organization shall provide the retail purchaser with a notice stating that pedigree registration does not assure health or quality of an animal; and
 - D. The pet dealer shall indicate whether or not, to the pet dealer's knowledge, the animal or its sire or dam is registered with, and whether the animal is certified by any organization that maintains a registry pertaining to congenital or hereditary problems and explain the meaning of these terms.
2. **Optional disclosure.** The pet dealer may provide the purchaser with a list of congenital or hereditary problems that are known to affect the breed being purchased and a list of any health problems for which the dealer does not warrant the animal.
3. **Disclosure procedures.** The following disclosure procedures must be followed:
- A. The disclosure required by Subsection 1 must be made part of the statement of consumer rights set forth in Section 4160.
 - B. The written disclosure made pursuant to this section must be signed by both the pet dealer certifying the accuracy of the statement and by the purchaser of the animal acknowledging receipt of the statement.
 - C. The dealer shall make a prospective purchaser aware that the purchaser may see this information prior to purchase.

7 § 4153. Sale Prohibited

Notwithstanding Section 4152, a pet dealer may not sell an animal that has any obvious clinical sign of infectious, contagious, parasitic or communicable disease or abnormality or has any disease, illness or condition that requires hospitalization or nonelective surgical procedures.

7 § 4155. Rights of the Purchaser

- 1. **Unfit for sale.** If, within 10 days after receipt of the animal by the purchaser, a veterinarian states in writing that the animal has a health problem that existed in the animal at the time of delivery or if, within one year after receipt of the animal by the purchaser, a veterinarian states in writing that due to a hereditary or congenital defect the animal has died or has a condition that will shorten its life or will require constant treatment during its life, the animal is considered to have been unfit for sale at the time of the sale.
- 2. **Death; remedies.** When an animal dies due to a health problem that would have rendered the animal unfit for sale pursuant to Subsection 1, and that

health problem existed in the animal at the time of delivery to the purchaser but was not disclosed under the provisions of Section 4152, the pet dealer shall provide the purchaser with one of the following remedies selected by the purchaser:

- A. An animal of equal value, if available; or
 - B. A refund of the full purchase price of the animal.
3. **Health problem; remedies.** When an animal has a health problem that renders the animal unfit for sale pursuant to Subsection 1, and that health problem existed in the animal at the time of delivery to the purchaser but was not disclosed under the provisions of Section 4152, the pet dealer shall provide the purchaser with one of the following remedies selected by the purchaser:
- A. Return of the animal to the pet dealer for a refund of the full purchase price of the animal.
 - B. Exchange of the animal for an animal of the purchaser's choice of equivalent value, providing a replacement is available; or
 - C. Retainment of the animal and reimbursement of ½ of the reasonable veterinary fees not to exceed ½ of the original purchase price of the animal.
4. **Veterinary service; fees.** The fee for veterinary service is reasonable if the service is appropriate for the diagnosis and treatment of the health problem and the fee for the service is comparable to fees charged by other veterinarians who are in proximity to the treating veterinarian.

7 § 4156. Responsibilities of Purchaser

To obtain the remedies provided in Section 4155, the purchaser has the following responsibilities with respect to an animal with a health problem:

- 1. **Veterinary diagnosis.** The purchaser must notify the pet dealer, within 2 business days, of the diagnosis by the veterinarian of a health problem and provide the pet dealer with name and telephone number of the veterinarian and a copy of the veterinarian report on the animal.
- 2. **Refund.** If the purchaser wishes to receive a full refund for the animal, the purchaser must return the animal no later than 2 business days after receipt of a written statement from a veterinarian indicating that the animal is unfit due to a health problem. With respect to a dead animal, the purchaser must provide the pet dealer with a written statement from a veterinarian indicating that the animal died from a health problem that existed on or before the receipt of the animal by the purchaser.

7 § 4157 Rights of Pet Dealer

1. **Refusal to sell.** A pet dealer may refuse to sell an animal to a potential purchaser who appears not to accept or understand the provisions of this chapter.
2. **Exemption from purchaser remedies.** A refund, replacement or reimbursement of veterinary fees is not required if any one or more of the following conditions are not met.
 - A. The health problem or death of the animal resulted from maltreatment, neglect or a disease contracted while in the possession of the purchaser or from an injury sustained subsequent to receipt of the animal by the purchaser.
 - B. A disclosure statement was provided to the purchaser pursuant to Section 4152 that disclosed the health problem for which the purchaser seeks to return the animal.
 - C. The health problem is a hereditary or congenital one covered by Section 4152.
 - D. The health problem is one that the dealer has indicated is not covered in the warranty for the animal.

7 § 4158. Contest

1. **Demand for remedy; contest.** When a pet dealer wishes to contest a demand for the remedy specified in Section 4155, the pet dealer may require the purchaser to produce all the veterinarian's records and the animal for examination or autopsy by a veterinarian designated by the pet dealer. The pet dealer has a right of recovery against the purchaser if the pet dealer is not obligated to provide a remedy under Section 4155.
2. **Right to court action.** If the pet dealer does not provide the remedy selected by the purchaser set forth in Section 4155, the purchaser may initiate a court action. The prevailing party in the court action has the right to recover costs and reasonable attorney's fees.

7 § 4159. Posted Notice

A pet dealer whose facility has public access shall post, in a prominent location in the area to which a prospective purchaser would have access, a notice printed in a minimum of 48-point, bold-faced type and containing the following language:

"YOU ARE ENTITLED TO A STATEMENT OF CONSUMER RIGHTS AND DISCLOSURE OF YOUR ANIMAL'S HEALTH HISTORY AND THE WARRANTY ON YOUR ANIMAL. YOU MAY ASK TO SEE THESE ITEMS PRIOR TO PURCHASE. MAKE SURE YOU RECEIVE THESE ITEMS AT THE TIME OF PURCHASE."

7 § 4160. Notice of Consumer Rights

1. **Written notice.** A pet dealer shall provide the purchaser a written notice of rights, signed by the pet dealer, certifying the accuracy of the information contained in the notice. The notice must be signed by the purchaser, acknowledging that the purchaser has reviewed and understood the written notice. A signed copy must be retained by the pet dealer and one copy given to the purchaser. The notice must be in a minimum of 16-point, bold-faced type and must state the following:

"A STATEMENT OF MAINE LAW GOVERNING THE SALE OF DOGS AND CATS:

The sale of dogs and cats is subject to consumer protection regulations. Maine law also provides safeguards to protect pet dealers and animal purchasers. Attached is a copy of the Maine Revised Statutes, Title 7, Chapter 745. Contained in this law is a statement of your consumer rights and remedies. Also attached is your pet's health history and specific warranty information."

2. **Oral notice.** In addition, all medical information required to be disclosed pursuant to this section must be orally disclosed to the purchaser by the dealer prior to purchase.

The statement of consumer rights must also contain or have attached the disclosure required under Section 4152 and the name and phone number of the state agency to be contacted in the event of perceived violations of this chapter.

7 § 4161. Limitation

This chapter does not limit the rights or remedies that are otherwise available to a purchaser under any other law.

7 § 4162. Additional Penalties

1. **Civil violation.** A person who fails to meet a requirement of this chapter commits a civil violation for which a forfeiture not to exceed \$100 per violation may be adjudged.
2. **Action against pet shops and breeding kennels.** The department may file an action in District Court to revoke or suspend the license of a pet shop or breeding kennel that violates any provision of this chapter.

**TITLE 16 - COURT PROCEDURE EVIDENCE
CHAPTER 3 - RECORDS AND OTHER DOCUMENTS**

**SUBCHAPTER VIII
CRIMINAL HISTORY INFORMATION ACT**

16 § 614. Limitation on release of identifying information; cruelty to animals

1-A. Limitation on release of identifying information; cruelty to animals.

The names of and other identifying information on persons providing information pertaining to criminal or civil cruelty to animals to the Department of Agriculture, Food and Rural Resources is confidential information and may not be disseminated.

2. Exceptions to this limitation. [2001, c. 532, §1 (rp).]

3. Exceptions. Nothing in this section precludes dissemination of intelligence and investigative information to:

A. Another criminal justice agency; [2001, c. 532, §1 (new) .]

B. A state agency responsible for investigation of abuse, neglect or exploitation of children under Title 22, Chapter 1071 or incapacitated or dependent adults under Title 22, Chapter 958-A for use in the investigation of suspected abuse, neglect or exploitation; [2003. c/ 402. §1 (amd).]

C. An accused person or that person's agent or attorney if authorized by:

(1) The district attorney for the district in which that accused person is to be tried:

(2) A rule or ruling of a court of this State or of the United States; or

(3) The Attorney General; or

D. A victim or victim's agent or attorney, subject to reasonable limitations to protect the interest described in Subsection 1. [2003, c. 402, §2 (bew),] [2003, c. 402, §1, 2 (amd) .]

TITLE 17 - CRIMES

CHAPTER 42-ANIMAL WELFARE

SUBCHAPTER I GENERAL PROVISIONS

17 § 1011. Definitions

As used in this chapter, and in every law relating to or affecting animals, unless the context indicates otherwise, the following terms have the following meanings.

1. **Act.** "Act" means the Animal Welfare Act.
2. **Animal.** "Animal" means every living, sentient creature not a human being.
3. **Animal control.** "Animal control" means control of dogs, cats, domesticated or undomesticated animals which may be a problem in the community and which are not controlled by any other law.
4. **Animal control officer.** "Animal control officer" means the person appointed periodically by municipal officers pursuant to Title 7, Chapter 725.
5. **Animal control shelter.** [1993, c. 657, §43 (rp).]

5-A. Animal shelter. "Animal shelter" means a facility that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

6. **At large.** "At large" means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.
8. **Boarding kennel.** "Boarding kennel" means any place, building, tract of land, abode or vehicle in or on which privately owned dogs or other pets, or both, are kept for their owners in return for a fee.

8-A. Breeding kennel. "Breeding kennel" means a location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value.

9. **Business day.** "Business day" means any day of the calendar year other than a Saturday, Sunday or legal holiday.
10. **Clerk; municipal clerk.** "Clerk" or "municipal clerk" means the clerk of a municipality, the deputy clerk or assistant clerk, where directed by the clerk, carrying out the duties of this chapter.
11. **Commissioner.** "Commissioner" means the Commissioner of Agriculture, Food and Rural Resources or his duly authorized agent.

12. **Constable.** "Constable" means a law enforcement officer appointed by municipal officers pursuant to law.
- 12-A. **Equine facility.** "Equine facility" means a boarding stable or commercial riding facility.
- 12-B. **Dog.** "Dog" means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from the interbreeding of a member of *canis familiaris* with a wolf hybrid as defined in Subsection 30.
13. **Guide dog or hearing dog kept for breeding purposes.** "Guide dog or hearing dog kept for breeding purposes," means a male or female dog owned by a nonprofit organization for the purpose of producing puppies to be trained as guide dogs or hearing dogs and living with a resident of the State.
14. **Guide dog or hearing dog kept prior to training.** "Guide dog or hearing dog kept prior to training," means a dog under 18 months of age, owned by a nonprofit organization for the purpose of training as a guide dog or hearing dog and living temporarily with a resident of the State prior to training.
15. **Humane agent.** "Humane agent" means an employee of the Department of Agriculture, Food and Rural Resources who assists in enforcing this chapter.
- 15-A. **Humane society.** "Humane society" means a nonprofit group or organization incorporated for the purpose of providing physical service directly to abused and abandoned animals, improving the conditions of animals, providing education concerning animals or fund-raising to promote animal welfare.
16. **Keeper.** "Keeper" means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
17. **Kennel.** "Kennel" means 5 or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.
18. **Law enforcement officer.** "Law enforcement officer" means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
- 18-A. **Livestock.** "Livestock" means cattle, equines, sheep, goats, swine and domesticated deer, fowl and rabbits.
19. **Municipality.** "Municipality" means a city, town or plantation.

20. **Mutilate.** "Mutilate" means to injure or disfigure by irreparably damaging body parts. "Mutilate" does not include conduct performed by a licensed veterinarian or conduct that conforms to accepted veterinary practices.
21. **Owner.** "Owner" means any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal.
22. **Person.** "Person" means an individual, corporation, partnership, association or any other legal entity.
23. **Pet shop.** "Pet shop" means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.
24. **Respective municipality.** "Respective municipality" means, in the case of towns and cities, the municipality where the dog is found or in the case of unorganized townships, the municipality near or adjacent to the unorganized township where the dog is found or the designee of that municipality.
25. **Shelter.** "Shelter" means any building or physical structure or part of any building or structure, other than a private dwelling, housing dogs or other animals and not used for agricultural purposes or as a laboratory, research facility, medical facility or educational institution.
26. **Torment, torture and cruelty.** "Torment, torture and cruelty" means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.
27. **Vertebrate.** "Vertebrate" means a subphylum of chordate animals comprising those having a brain enclosed in a skull or cranium and a segmented spinal column, including mammals, birds, reptiles, amphibians and fish.
28. **Warrant.** "Warrant" means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.
29. **Well cared for.** "Well cared for" means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been nor is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated or exposed to a poison with the intent that it be taken by the animal.
30. **Wolf hybrid.** "Wolf hybrid" means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf hybrid" includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

17 § 1012. Unlawful Sale, Consignment or Rental of Diseased Horses

1. **Unlawful sale, consignment or rental of diseased horses.** A person is guilty of unlawful sale, consignment or rental of diseased horses if that person receives, offers for sale or sells at private sale or public auction, consigns or rents any horse which, by reason of debility, disease or lameness or for other cause could not be worked in the State without violating the laws against cruelty to animals.
2. **Penalty.** Unlawful sale, consignment or rental of diseased horses is a Class E crime.
3. **Violation.** Any licensed auctioneer violating this section may be punished by loss of license in addition to other penalties provided by law.
4. **Exception.** This section shall not be construed to prohibit the sale to or the purchase of horses by humane societies.

17 § 1013. Unlawful Production of Motion Pictures

1. **Unlawful production of motion pictures.** A person, including an owner or the owner's agent, is guilty of unlawful production of motion pictures if that person knowingly or intentionally prepares, manufactures, makes or participates in the preparation, manufacture or making of any motion picture film or videotape production involving cruelty to animals during the course of preparation, manufacture, making or exhibition of the motion picture film or videotape production.
2. **Penalty.** Unlawful production of motion pictures is a Class E crime.

17 §1015. Surcharges Imposed

A surcharge of 10% must be added to every fine or penalty imposed by any court in this State for a violation of this chapter. The surcharge, for the purposes of collection and collection procedures, is considered a part of the fine or penalty. All funds collected as a result of this surcharge must be deposited monthly in the Animal Welfare Fund established under Title 7, Section 3906-B, Subsection 2.

SUBCHAPTER II POSSESSION OF ANIMALS

17 § 1021. Possession of Animals

1. **Possession.** A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court or the Superior Court for authorization:
 - A. To take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has cruelly abandoned or cruelly treated it and turn over the animal to the applicant or other suitable person; or
 - B. To cause the animal to be disposed of humanely.
2. **Notice to owner.** If the owner is known, a copy of the application must be served upon the owner with an order of court to appear at a stated time and place to show cause why the animal should not be taken and turned over to the applicant or other suitable person or disposed of humanely.

If the owner can not be found by reasonable diligence, or is out of state although a resident of this State, a copy of the application and order of court must be left at the owner's last and usual place of abode.

If the owner is not known, then the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found, stating the case and circumstances and giving 48 hours notice of the hearing.

3. **Hearing.** If it appears at the hearing that the animal has been cruelly abandoned or cruelly treated by its owner or the animal is maimed, disabled, diseased, dehydrated, malnourished or injured, the court shall:
 - A. Direct the applicant or other suitable person to take possession of and provide for the animal, order its sale, adoption, donation or return of the animal to its owner; or
 - B. Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful.
4. **Ex parte order.** An ex parte order shall be as follows.
 - A. A state veterinarian, humane agent, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner may apply to the District Court, Superior Court or a justice of the peace for an ex parte order for authorization to take possession of any maimed, disabled, diseased, dehydrated, malnourished or injured animal or any animal whose owner has cruelly abandoned or cruelly treated it and turn it over to the applicant or any other suitable person.

An order may be entered ex parte upon findings by the court or justice of the peace that there is a reasonable likelihood that:

- (1) The defendant is not subject to the jurisdiction of the court for the purposes of a hearing or the owner cannot be found by reasonable diligence or is out-of-state although a resident of this State, and there is a danger that unless immediate action is taken:
 - (a) The condition of an injured, overworked, tormented, tortured, abandoned, poisoned or mutilated animal, or animal deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions will be substantially impaired or worsened;
 - (b) The animal's life will be jeopardized; or
 - (c) A great degree of medical attention will be necessary to restore the animal to a normal, healthy condition;
 - (2) There is a clear danger that if the owner or the owner's agent is notified in advance of the issuance of the order of court, as provided in Subsection 3, the owner or the owner's agent may remove the animal from the State, conceal it or otherwise make it unavailable;
 - (3) There is immediate danger that the owner or the owner's agent will kill or injure the animal; or
 - (4) An animal is being or has been injured, overworked, tormented, tortured, abandoned, poisoned, mutilated, or deprived of necessary sustenance, necessary medical attention, proper shelter or protection from the weather or humanely clean conditions and, unless an ex parte order is issued allowing the applicant to take possession of the animal, the animal will die, its condition will be substantially impaired or worsened or medical attention will be necessary to restore the animal to a normal, healthy condition.
- B. This subsection does not apply to animals currently being well cared for when euthanasia is necessary due to old age or to a person's conduct designed to control or eliminate rodents, ants or other common pests.
- C. On 2 days' notice or such shorter period as the court may prescribe, the applicant who obtained the ex parte order or the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order.

The court shall hear and determine the motion as expeditiously as justice requires.

The moving party shall submit an affidavit setting forth specific facts to substantiate such findings as would serve to modify or dissolve the order. The opposing party shall have the burden of presenting evidence to substantiate the original findings.

5. **Seizure for observation and examination.** Seizure of animals for observation and examination is as follows.
- A. Whenever a humane agent, a state veterinarian or a person authorized to make arrests has reason to believe that an animal may be disabled, diseased, dehydrated or malnourished, humane agent, state veterinarian or person shall apply to the District Court or Superior Court for authorization to take possession of the animal and turn it over to the applicant or other suitable person for examination and observation for a 30-day period. At the end of 30 days, the court must receive a report from the person in possession of the animal and either dissolve the possession order or set the matter for hearing within 30 days.
 - B. If the owner is known, the owner must be advised of the time and place of hearing and asked to show cause why the animal should not be seized permanently or disposed of humanely.
 - C. If the court finds at the hearing that the animal is disabled, diseased, dehydrated or malnourished, the court shall:
 - (1) Declare the animal forfeited and order its sale, adoption or donation; or
 - (2) Order the animal to be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful.
- 5-A. **Seizure by state humane agent or state veterinarian without court order.** A state humane agent or a state veterinarian who has reasonable cause to believe that a violation of Section 1031 or 1032 has taken place or is taking place may take possession of the cruelly treated animal. Upon taking possession of an animal under this section, the humane agent or the state veterinarian shall present the owner with a notice that:
- A. States the reason for seizure;
 - B. Gives the name, address and phone number of the humane agent or the state veterinarian to contact for information regarding the animal; and
 - C. Advises the owner of the ensuing court procedure.

If the owner can not be found, the humane agent or the state veterinarian shall send a copy of the notice to the owner at the owner's last known address by certified mail, return receipt requested. If the owner is not known or cannot be located, the humane agent or the state veterinarian shall contact the animal shelter or shelters used by the municipality in which the animal was found. The humane agent or the state veterinarian shall provide the shelter with a description of the animal, the date of seizure and the name of a person to contact for more information.

Within 3 working days of possession of the animal, the humane agent or the state veterinarian shall apply to the court for a possession order. The court shall set a hearing date and that hearing date must be within 10 days of the date the animal was seized. The

humane agent or the state veterinarian shall arrange care for the animal, including medical treatment, if necessary, pending the hearing.

The humane agent or the state veterinarian shall notify the owner, if located, of the time and place of the hearing. If the owner has not been located, the court shall order a notice to be published at least once in a newspaper of general circulation in the county where the animal was found stating the case and circumstances and giving 48 hours notice of the hearing.

It is the owner's responsibility at the hearing to show cause why the animal should not be seized permanently or disposed of humanely. If it appears at the hearing that the animal has been cruelly abandoned or cruelly treated by its owner, the court shall declare the animal forfeited and order its sale, adoption or donation or order the animal to be disposed of humanely if a veterinarian determines that the animal is diseased or disabled beyond recovery.

6. **Attachment and enforcement of lien.** Attachment and enforcement of liens shall be as follows:
 - A. Any person taking possession of an animal as provided in this subchapter shall have a lien for expenses as provided in this subsection unless the complaint is dismissed for lack of merit. If the complaint is dismissed for lack of merit, the board and the municipality where the possession occurred may share in paying the lienor's expenses.
 - B. Expenses covered by this subsection include expenses reasonably incident to taking an animal into custody such as transportation, food, shelter, veterinary care and expenses of disposing of an animal taken into custody.
 - C. The lienor may enforce the lien in the same manner as enforcements of liens on personal property pursuant to Title 10, Chapter 631. In giving judgment for the lien, the court shall include expenses as set forth in Paragraph B, incurred by the lienor from the date of commencement of proceedings to the entry of judgment or final disposition of the animal as ordered by the court.

In the event of the sale of the animal, all expenses incurred in transporting, taking, keeping and caring for the animal shall be deducted from the sale price and the balance, if any, turned over to the owner.

- D. The defendant may appeal as in a civil action, but before appeal is allowed, the defendant shall give sufficient security to satisfy the applicant or person taking custody of the animal that he will pay all expenses for its care and support pending appeal.

17 § 1022. Prevention of Cruelty

The commissioner or any person authorized to make arrests may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in that person's presence.

17 § 1023. Investigation and Reporting of Cruelty

1. **Investigations; reports.** Law enforcement officers, animal control officers and humane agents shall investigate alleged violations of Title 7, Chapter 739 and this chapter. The commissioner shall maintain a record of each alleged case of cruelty to animals investigated by a humane agent. The commissioner shall report annually on the disposition of cases as required under Title 7, Section 3906-B.

A law enforcement officer or animal control officer who investigates a case of alleged cruelty to animals and pursues a civil or criminal action based on that investigation shall report to the commissioner on the final disposition of the case.

2. **Commissioner role.** [1997, c. 690, §67 (rp).]
3. **Cooperation between agencies.** For the purposes of this section, law enforcement officers, the commissioner or the commissioner's designee, humane agents, a state veterinarian and certified animal control officers may exchange information and reports pertaining to an investigation of cruelty to animals pursuant to Title 16, Chapter 3, Subchapter VIII.

17 § 1024. Impeding the Performance of an Officer

It is unlawful for a person to assault, resist, oppose, impede, intimidate or interfere with a person engaged in or on account of the performance of that person's official duties under this subchapter.

17 § 1025. Handling of Animals Seized or Held

1. Handling of animals. No humane agent, animal control officer, animal shelter, pound, animal care center, humane society or veterinarian and anyone acting under their authority and having possession of any animal by reason of his office may:
 - A. Provide or supply dealers, commercial kennels or laboratories with the animal; or
 - B. Give, release, sell, trade, loan, transfer or otherwise provide any live animal to any individual, firm, association, corporation, educational institution, laboratory, medical facility or anyone else for purposes of experimentation or vivisection.
2. **Livestock.** Livestock to be sold at public auction is exempt from this section.

17 § 1026. Penalty for Violation

Any person found in violation of Sections 1024 and 1025 is guilty of a Class E crime.

SUBCHAPTER III CRUELTY TO ANIMALS

17 § 1031. Cruelty to Animals

1. **Cruelty to animals.** Except as provided in Subsection 1-A, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly, or recklessly:
 - A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege;
 - B. Except for a licensed veterinarian or a person certified under Section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death;
 - C. If that person is a licensed veterinarian or a person certified under Section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians;
 - D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs to an animal with an intent to harm the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal;
 - D-2. Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;
 - E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions;
 - F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the months of December, January, February or March without providing necessary sustenance and proper shelter;
 - G. Hunts, traps or sells for the purpose of hunting any animal except as permitted pursuant to Title 7, Chapter 202-A and Title 12, Part 10;
 - H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; or
 - I. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal.

- J. Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality," means that a person:
- (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
 - (2) Coerces anyone to engage in a sexual act with an animal;
 - (3) Engages in a sexual act with an animal in the presence of a minor;
 - (4) Uses any part of the person's body or an object to sexually stimulate an animal;
 - (5) Videotapes a person engaging in a sexual act with an animal; or
 - (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

- 1-A. **Animal cruelty.** Except as provided in Paragraphs A and B, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly kills or attempts to kill a cat or dog.
- A. A licensed veterinarian or a person certified under Section 1042 may kill a cat or dog according to the methods of euthanasia under Chapter 42, Subchapter IV.
 - B. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting with a firearm provided the following conditions are met.
 - (1) The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot.
 - (2) Death is instantaneous.
 - (3) Maximum precaution is taken to protect the general public, employees and other animals.
 - (4) Any restraint of the cat or dog during the shooting does not cause undue suffering.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A. Causes extreme physical pain to an animal;
- B. Causes the death of an animal; or
- C. Physically tortures an animal.

Violation of this subsection is a Class C crime.

3. **Affirmative defense.** It is an affirmative defense to prosecution under this section that:

- A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;
- B. The defendant's conduct or that of his agent was designed to control or eliminate rodents, ants or other common pests on his own property; or
- C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 10.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

4. **Penalty for cruelty to animals.** Except as provided in Paragraph A, cruelty to animals under Subsection 1 or 1-A is a Class D crime.

- A. Cruelty to animals under Subsection 1 or 1-A is a Class C crime if the State pleads and proves that, at the time of violation of this section was committed, the defendant had been convicted of:
 - (1) One or more violations of Subsection 1 or 1-A;
 - (2) One or more violations of aggravated cruelty to animals under Subsection 1-B;
 - (3) One or more violations of cruelty to birds under Section 1032;
 - (4) Two or more violations under Title 7, Chapter 739; or
 - (5) Two or more essentially similar crimes in other jurisdictions.
- B. Notwithstanding Title 17-A, Section 1301, the court shall impose a fine of not less than \$500 nor more than \$2,500 for the first violation of this section, none of which may be suspended, and a fine of not less than \$1,000 nor more than \$5,000 for a 2nd or subsequent violation of this chapter, none of which may be suspended.

- C. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal.
- D. If the defendant is convicted of the Class D crime under this section, the court, as part of the sentence, may prohibit the defendant from owning, possessing or having on the defendant's premises an animal or animals for a period of time up to and including permanent relinquishment, as determined by the court.
- E. If the defendant is convicted of the Class C crime under this section, the court, as part of the sentence, shall prohibit the defendant from owning, possessing or having on the defendant's premises permanently an animal or animals.
- F. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having an animal or animals on the probationer's premises, in addition to revocation of probation pursuant to Title 17-A, Chapter 49, is subject to the removal of the animal or animals at the probationer's expense if this condition is violated.
- G. The court as part of the sentence may order, as a condition of probation, that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if it is determined appropriate by the court, to receive psychiatric or psychological counseling at the defendant's expense. If the defendant is a juvenile, the court shall order that the juvenile receive psychiatric or psychological counseling. The parents or guardian of the juvenile, if they are able, shall pay for counseling.

3 Penalty for cruelty to animals. [2003, c.452, Pt. I, §18 (rp); Pt. X, § (aff).]

3-A. Penalty for aggravated cruelty to animals. [2003, c. 452, PT. I, §19 (rp); Pt. X, §2 (aff.) Aggravated cruelty to animals under Subsection 1-B is a Class C crime. Notwithstanding Title 17-A, Section 1301, the court shall impose a fine of not less than \$1,000 nor more than \$10,000 for a first or subsequent violation of Subsection 1-B. The sentencing provision in Subsection 3, Paragraphs C, E, F, and G also apply to a person convicted of aggravated cruelty to animals.

3-B. Penalties. The following apply to violations of this section:

- A. In addition to any other penalty authorized by law the court shall impose a fine of not less that \$250 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal. [2003, c. 452, Pt. I, §20 (new); Pt. X §2 (aff).]
- B. The court, as part of the sentence for a violation of this section may prohibit the defendant from owning, possessing or having on the defendant's premises an animal or animals as determined by the court

for a period of time, up to and including permanent relinquishment, as determined by the court.

A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having an animal or animals on the probationer's premises is subject to revocation of probation and removal of the animal or animals at the probationer's expense if this condition is violated.

The court as part of the sentence may order, as a condition of probation, that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if it is determined appropriate by the court, to receive psychiatric or psychological counseling at the defendant's expense. [2003, c. 452, Pt. I, §20 (new); Pt. X §(aff).]

- C. Title 17-A, Section 9-A governs the use of prior convictions when determining a sentence. [2003, c. 452, Pt. I, §20 (new); Pt. X, §2 (aff).]
- 5. Criminal or civil prosecution. A person may be arrested or detained for the crime of cruelty to animals in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruelty to animals. The attorney for the State shall elect to charge a defendant with the crime of cruelty to animals under this section or the civil violation of cruelty to animals under Title 7, Section 4011. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of animal cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, Section 4011. [1999, c. 481, §1 (amd).]
- 6. **Exception.** This section may not be construed to prohibit the shooting of wild game in its wild state. This section may not be construed to prohibit the disposal of farm animals using an acceptable animal husbandry practice. [2001, c. 425 §11 (new).]

17 § 1032. Cruelty to Birds

- 1. **Cruelty to birds.** A person is guilty of cruelty to birds who intentionally, knowingly or recklessly:
 - A. Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship;
 - B. Shoots at any bird or is present as a party, umpire or judge at such shooting; or

- C. Rents any building, shed, room, yard, field or premises or knowingly suffers the use of the building, shed, room, yard, field or premises for these purposes.
- 2. **Penalty.** Cruelty to birds is a Class D crime. If the State pleads and proves that, at the time of violation of this section was committed, the defendant had been convicted of two or more violations of this section, Section 1031 or essentially similar crimes in other jurisdictions, the sentencing class for the crime is one class higher than it would otherwise be. For purposes of this subsection, the dates of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same date. The enhancement of the crime for sentencing purposes required by this subsection does not apply if the two prior offenses were committed within a 3-day period. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date an offense was committed is presumed to be the date stated in the complaint, information, indictment or other formal charging instrument, notwithstanding the use of the words "on or about" or the equivalent. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section.
- 3. **Exception.** Nothing in this section may be construed to prohibit the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 12, Chapter 707, Subchapter IX.
- 4. **Criminal or civil prosecution.** A person may not be arrested or detained for cruelty to birds. The attorney for the State shall elect to charge a defendant with the crime of cruelty to birds under this section or the civil violation of cruelty to birds under Title 7, Section 4012. In making this election, the attorney for the State shall consider the severity of the cruelty displayed, the number of birds involved, any prior convictions or adjudications of bird cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection is not subject to judicial review. The factors involved in such election and determination are not elements of the criminal offense or civil violation of bird cruelty and are not subject to proof or disproof as prerequisites or conditions for conviction under this subsection or adjudication under Title 7, Section 4012.

17 § 1033. Animal Fighting

- 1. **Violation.** A person is guilty of animal fighting who knowingly:
 - A. Owns, possesses, keeps or trains any animal with the intent that the animal engages in an exhibition of fighting with another animal;
 - B. For amusement or gain, causes any animal to fight with another animal or causes any animals to injure each other; or

- C. Permits any act in violation of Paragraph A or B to be done on any premises under that person's charge or control.

Animal fighting is a Class C crime. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section.

- 2. **Penalty for viewing animal fighting.** Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of animals or is present at such exhibition is guilty of a Class D crime.
- 3. **Affirmative defense.** It is an affirmative defense to prosecution under Subsections 1 and 2, that the activity charged involves the possession, training, exhibition or use of an animal in the otherwise lawful sport of animal hunting and the training or use of hunting dogs. It is also an affirmative defense that the defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 10.
- 4. **Exception.** Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, farming and security services is exempt from Subsections 1 and 2.

17 § 1034. Application for Search Warrant

A law enforcement officer or humane agent, having probable cause to believe that a violation of Section 1031, 1032 or 1033 has taken place or is taking place, shall enter the premises where the animal is kept with the consent of the owner or shall make application for a search warrant. If the judge or justice of the peace is satisfied that probable cause exists, he shall issue a search warrant directing a law enforcement officer or humane agent in the county to proceed immediately to the location of the alleged violation and directing the law enforcement officer or humane agent to search the place designated in the warrant, retaining in his custody, subject to the order of the court, such property or things as specified in the warrant, including any animal.

17 § 1035. Necessary Sustenance

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

- 1. **Food.** The food shall be of sufficient quantity and quality to maintain all animals in good health.
- 2. **Water.** If potable water is not accessible to the animal at all times, it must be provided daily and in sufficient quantity for the health of the animal. Snow or ice is not an adequate water source.
- 3. **Penalty.** Failure to provide a sufficient supply of food or water is a Class D crime.

17 § 1036. Necessary medical attention

A person owning or responsible for confining or impounding any animal may not fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed or overgrown hoof. Failure to provide necessary medical attention is a Class D crime.

17 § 1037. Proper shelter; protection from the weather and humanely clean conditions

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

1. **Indoor standards.** Minimum indoor standards of shelter shall be as follows.
 - A. The ambient temperature shall be compatible with the health of the animal.
 - B. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.
2. **Outdoor standards.** Minimum outdoor standards of shelter shall be as follows.
 - A. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - B. Except as provided in Subsections 5 and 7, shelter from inclement weather must be as follows.
 - (1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species concerned must be provided as necessary for the health of the animal.
 - (2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof must be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes.
 - C. No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.
3. **Space standards.** Minimum space requirements for both indoor and outdoor enclosures shall include the following:

- A. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
 - B. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.
- 4. **Humanely clean conditions.** Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards.
- 5. **Livestock.** Livestock must be provided with shelter suitable for the health of the animal. Livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with Subsection 2, Paragraph B, Subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in Title 7, Section 1341, Subsection 5 kept at a licensed commercial large game shooting area as defined in Title 7, Section 1341, Subsection 1.
- 6. **Penalty.** Failure to provide shelter in accordance with this section is a Class D crime.
- 7. Dogs confined by tethering for long time periods. In addition to the requirements of subsection 2, paragraph B; subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:
 - A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed in a manner that keeps wind and precipitation out of the interior. The shelter must have clean bedding material sufficient to retain the dog's normal body heat; and
 - B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than arctic breeds, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For arctic breeds, the chain or tether must be:
 - (1) At least 2.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is stationary; or

- (2) At least 1.5 times the length of the dog measured from the tip of its nose to the base of its tail if the anchor is a pivot point allowing a 360° area of movement.

For the purposes of this subsection, “primary means of confinement” means the methods used to confine a dog for periods of time that exceed 12 hours in a 24-hour period. For the purposes of this subsection, “arctic breeds” means Siberian Huskies, Alaskan Huskies, Alaskan Malamutes and other dogs with a double-layered coat and bred to live in an arctic climate.

17 § 1038 Animal abandoned at animal care facilities

Abandoning an animal at a veterinarian’s office, boarding kennel, grooming facility or animal day-care is a Class D crime.

1. **Determination of abandonment.** There is a rebuttable presumption of presumption of abandonment if an owner:
 - A. Places an animal in the custody of a licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility or animal day-care facility for services offered by that facility; and
 - B. Fails to claim the animal within 10 days after written notice is sent in accordance with subsection 2.
2. **Notice requirement.** Before any animal may be considered abandoned under this section, a veterinarian’s office, boarding kennel, animal grooming facility, or animal day-care shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner’s or keeper’s last known address. Proof of attempted delivery constitutes sufficient notice.
3. **Ownership of abandoned animal.** When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the veterinarian, kennel, facility or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale, or placement with a licensed animal shelter.
4. **Financial obligation.** The disposal of an abandoned animal under this section does not relieve the owner or keeper of the animal of any financial obligation, including, but not limited to, costs incurred for veterinary treatment, boarding, grooming or other care.
5. **Penalty.** In addition to the penalties provided in Title 17-A for a Class D crime, the penalties in section 1031, subsection 3-B also apply.

SUBCHAPTER IV EUTHANASIA OF CATS AND DOGS

17 § 1041. Euthanasia By Prescribed Methods

A cat or dog may not be destroyed by any method, agent or device except as described in this subchapter, Subchapter III and Title 7, Chapter 739.

17 § 1042. Euthanasia Performed By Licensed Veterinarian or Certified Person

The mandatory method of euthanasia of cats and dogs when conducted by a licensed veterinarian or a person certified under Subsection 3 must be the administration of a barbiturate overdose. The mandatory method of euthanasia must be implemented according to the following methods and under the following conditions.

1. **Intravenous, intraperitoneal, intrathoracic or intracardial injection.** Intravenous, intraperitoneal, intrathoracic or intracardial injection of a lethal solution may be used.
2. **Use of undamaged hypodermic needle.** An undamaged hypodermic needle of a size suitable for the size and species of animal must be used.
3. **Administration by a licensed veterinarian.** Administration may only be by a licensed veterinarian or by a person trained for this purpose who is certified by the commissioner and subject to regular observation concerning continued efficiency. A person certified under this subsection may only euthanize animals that are vested to an animal shelter. A person certified to perform euthanasia may not euthanize an animal if, by performing that euthanasia, the person is in violation of Title 32, Chapter 71-A.
4. **Euthanasia solution.** A licensed animal shelter having both a consulting veterinarian and a certified euthanasia technician may purchase, store and administer euthanasia solution for the euthanasia of cats, dogs and ferrets that are vested to the shelter, provided the purchase, storage and administration is in accordance with federal requirements. The director of the licensed animal shelter, as a veterinarian, a certified euthanasia technician or an agent of the certified euthanasia technician, is the only person with the authority to purchase euthanasia solution.

17 § 1043. Emergency Methods

The following methods shall be used only in an emergency situation in which the safety of people or other animal life is threatened or in a situation in which the mandatory method of euthanasia of cats and dogs cannot be implemented expeditiously and will cause undue suffering. The following methods shall not be used as a substitute for the mandatory method.

1. **Shooting.** The animal may be destroyed by shooting, provided that:
 - A. The animal is restrained in a humane manner;
 - B. Shooting is performed by highly skilled and trained personnel utilizing a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot; and

- C. Maximum precaution is taken to protect the general public, employees and other animals.

17 § 1044. Tranquilizing Cats and Dogs

Prior to the euthanasia of cats and dogs, sedatives may be administered to these animals. Curariform immobilizers shall not be used on cats and dogs prior to euthanasia, except by veterinarians in extreme circumstances.

17 § 1045. Inspection

The Department of Agriculture, Food and Rural Resources may inspect or investigate any facility in which cats or dogs are destroyed.

17 § 1046. Penalty for violation

Any person, firm or corporation found in violation of this subchapter is guilty of a Class E crime.

Title 17-A Maine Criminal Code Part 2 SUBSTANTIVE OFFENSES Chapter 19: FALSIFICATION IN OFFICIAL MATTERS

17A § 457. Impersonating a public servant

1. A person is guilty of impersonating a public servant if he falsely pretends to be a public servant and engages in any conduct in that capacity with the intent to deceive anyone. [1975]
2. It is no defense to a prosecution under this section that the office the person pretended to hold did not exist. [1975]
3. Impersonating a public servant is a Class E crime. [1975]

Chapter 47 – DISCRIMINATION
Subchapter II: MODEL WHITE CANE LAW

17 § 1312. Rights

1. **Streets and public places.** The blind, the visually handicapped and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

2. **Public conveyances.** The blind, the visually handicapped and otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.
3. **Guide and personal care dogs.** Every totally or partially blind or otherwise physically disabled person has the right to be accompanied by a guide or personal care dog, especially trained for the purpose, in any of the places listed in subsection 2 without being required to pay an extra charge for the guide or personal care dog; however the person is liable for any damage done to the premises or facilities by such dog.
4. **Especially trained guide dog trainer or personal care dog trainer; access to public facilities; responsibilities.** An especially trained guide dog trainer or personal care dog trainer, while engaged in the actual training process and activities of guide or personal care dogs, has the same rights, privileges and responsibilities described in this section with respect to access to and use of public facilities as are applicable to a blind, visually handicapped or otherwise physically disabled person.
5. **Housing accommodations; persons with guide or personal care dogs.** Every blind or visually handicapped or otherwise physically disabled individual who has a sight-assistance, such as a guide or personal care dog, is entitled to full and equal access to all housing accommodations provided for in this section. Blind or visually impaired or otherwise physically disabled individuals may not be required to pay extra compensation to keep sight-assistance or personal care animals.
6. **Housing accommodations; definitions.** "Housing accommodations," as used in this section, means any real property, or portion of real property, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more humane beings, including, but not limited to, public housing projects and all forms of places, condominiums and cooperative apartments.
6. **Personal Care Dog: definition.** As used in this section "personal care dog" means a dog that provides assistance with activities of daily living for a person who is physically disabled.

Title 19-A: DOMESTIC RELATIONS
Part 4: PROTECTION FROM ABUSE
Chapter 101: PROTECTION FROM ABUSE

19-A §4007 1. Protection order; consent agreement. The court, after a hearing and upon finding that the defendant has committed the alleged abuse, may grant a protective order or, upon making that finding, approve a consent agreement to bring about a cessation of abuse. This subsection does not preclude the parties from voluntarily requesting a consent agreement without a finding of abuse. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff's household. Relief granted under this section may include:

A. Directing the defendant to refrain from threatening, assaulting, molesting, harassing, attacking or otherwise abusing the plaintiff and any minor children residing in the household; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

A-1. Directing the defendant not to possess a firearm or other dangerous weapon for the duration of the order; [1997, c. 334, §5 (new).]

A-2. Prohibiting the defendant from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household; [2001, c. 134, §6 (new).]

B. Directing the defendant to refrain from going upon the premises of the plaintiff's residence; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

C. Directing the defendant to refrain from repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment;

[1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

D. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

E. When the mutual residence or household of the parties is jointly owned or jointly leased or when one party has a duty to support the other or their minor children living in the residence or household and that party is the sole owner or lessee:

- (1) Granting or restoring possession of the residence or household to one party, excluding the other; or
- (2) A consent agreement, allowing the party with the duty to support to provide suitable alternate housing;

[1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

F. Ordering a division of the personal property and household goods and furnishings of the parties and placing any protective orders considered appropriate by the court; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

F-1. Ordering the termination of a life insurance policy or rider under that policy owned by the defendant if the plaintiff is the insured life under the policy or rider. Upon issuance, a copy of the court order must be sent to the insurer that issued the policy; [2003, c. 106, §1 (new).]

G. Either awarding some or all temporary parental rights and responsibilities with regard to minor children or awarding temporary rights of contact with regard to minor children, or both, under such conditions that the court finds appropriate as determined in accordance with the best interest of the child pursuant to section 1653, subsections 3 to 6-B. The court's award of parental rights and responsibilities or rights of contact is not binding in

any separate action involving an award of parental rights and responsibilities pursuant to chapter 55 or in a similar action brought in another jurisdiction exercising child custody jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act; [2005, c. 366, §5 (amd).]

H. Requiring the defendant to receive counseling from a social worker, family service agency, mental health center, psychiatrist or any other guidance service that the court considers appropriate. The court may not order and the State may not pay for the defendant to attend a batterers' intervention program unless the program is certified under section 4014; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

I. Ordering the payment of temporary support for the dependent party or for a child in the dependent party's custody in accordance with chapter 63, or both, when there is a legal obligation to support that dependent party or that child, or both; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

J. Ordering the payment of temporary support payments to the State as provided in chapters 63 and 67; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

K. Ordering payment of monetary compensation to the abused person for losses suffered as a direct result of the abuse. Compensatory losses are limited to loss of earnings or support, reasonable expenses incurred for personal injuries or property damage and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of damages, if any, to be awarded; [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

L. Ordering the defendant or, if the complaint is dismissed, the plaintiff to pay court costs or reasonable attorney's fees; or [1995, c. 694, Pt. B, §2 (new); Pt. E, §2 (aff).]

M. Entering any other orders determined necessary or appropriate in the discretion of the court.

N. Directing the care, custody, or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household.

If the court enjoins the defendant under this subsection and the enjoined conduct constitutes harassment under Title 17-A, section 506-A, the court shall include in the order a warning in conformity with Title 17-A, section 506-A.

19-A §4011. Violation

1. Crime committed. Except as provided in subsections 2 and 4, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:

- A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or
- B. A court-approved consent agreement.

2. Exception. When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraphs H to N, the violation must be treated as contempt and punished in accordance with law.

**TITLE 22: HEALTH AND WELFARE
CHAPTER 958-A: ADULT PROTECTIVE SERVICES ACT
Subchapter I-A: REPORTING OF ABUSE, NEGLECT OR EXPLOITATION**

22 § 3477. Persons mandated to report suspected abuse, neglect or exploitation.

- 1. Report required. The following persons immediately shall report to the department when the person has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation:
 - A. While in the acting in a professional capacity:

1. An allopathic or osteopathic physician;
 2. A medical intern;
 3. A medical examiner;
 4. A physician's assistant;
 5. A dentist;
 6. A chiropractor;
 7. A podiatrist;
 8. A registered or licensed practical nurse;
 9. A certified nursing assistant;
 10. A social worker;
 11. A psychologist;
 12. A pharmacist;
 13. A physical therapist;
 14. A speech therapist;
 15. An occupational therapist;
 16. A mental health professional.
 17. A law enforcement official;
 18. Emergency room personnel;
 19. An ambulance attendant;
 20. An emergency medical technician;
 21. Unlicensed assistive personnel
 22. A humane agent employed by the Department of Agriculture, Food and Rural Resources; or
 23. A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications.
- B. Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the incapacitated or dependent adult, regardless of whether the person receives compensation, or
- C. Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless whether the person receives compensation.

The duty to report under this subsection applies to individuals who must report directly to the department. A supervisor or administrator of a person making a report under this section may not impede or inhibit the reporting, and a person making a report may not be subject to any sanction for making a report. Internal procedures to facilitate, ensure confidentiality of and apprise supervisors and administrators of reports may be established as long as those procedures are not inconsistent with this chapter.

2. **Reports.** Reports regarding abuse, neglect or exploitation must be made immediately by telephone to the department and must be followed by a written report within 48 hours if requested by the department. The reports must contain the name and address of the involved adult; information regarding the nature and extent of the abuse, neglect or exploitation; the source of the report; the person making the report; that person's occupation; and where that person may be contacted. The report may contain any other information that the reporter believes may be helpful.

22 § 3479-A. Immunity from liability

1. **Reporting and proceedings.** A person participating in good faith in reporting under this subchapter, or in a related adult protection investigation or proceeding, is immune from any civil liability that might otherwise result from these actions, including, but not limited to, any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information.
2. **Presumption of good faith.** In a proceeding regarding immunity from liability, there shall be a rebuttable presumption of good faith.

Chapter 1071: CHILD AND FAMILY SERVICES AND CHILD PROTECTION ACT Subchapter 2: REPORTING OF ABUSE OR NEGLECT

§4011-A. Reporting of suspected abuse or neglect

1. **Required report to department.** The following adult persons shall immediately report or cause a report to be made to the department when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected:
 - A. When acting in a professional capacity:
 - (1) An allopathic or osteopathic physician, resident or intern;
 - (2) An emergency medical services person;
 - (3) A medical examiner;
 - (4) A physician's assistant;
 - (5) A dentist;
 - (6) A dental hygienist;
 - (7) A dental assistant;
 - (8) A chiropractor;
 - (9) A podiatrist;
 - (10) A registered or licensed practical nurse;
 - (11) A teacher;
 - (12) A guidance counselor;
 - (13) A school official;
 - (14) A children's summer camp administrator or counselor;
 - (15) A social worker;
 - (16) A court-appointed special advocate or guardian ad litem for the child;
 - (17) A homemaker;
 - (18) A home health aide;
 - (19) A medical or social service worker;
 - (20) A psychologist;
 - (21) Child care personnel;
 - (22) A mental health professional;
 - (23) A law enforcement official;
 - (24) A state or municipal fire inspector;
 - (25) A municipal code enforcement official;
 - (26) A commercial film and photographic print processor;

- (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;
- (28) A chair of a professional licensing board that has jurisdiction over mandated reporters; and
- (29) A humane agent employed by the Department of Agriculture, Food and Rural Resources; [2003, c. 599, §8 (rpr); §§9, 14 (aff).]

B. Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the child, regardless of whether the person receives compensation; and [2003, c. 210, §3 (amd).]

C. Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation. [2003, c. 210, §4 (new).]

1. **Required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility.**

Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person immediately shall notify either the person in charge of the institution, agency or facility or a designated agent who then shall cause a report to be made. The staff also may make a report directly to the department.

2. **Required report to district attorney.** When, while acting in a professional capacity, any person required to report under this section knows or has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child, the person immediately shall report or cause a report to be made to the appropriate district attorney's office. [2001, c. 345, §5 (new).]

3. **Optional report.** Any person may make a report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected. [2001, c. 345, §5 (new).]

4. **Mental health treatment.** When a licensed mental health professional is required to report under Subsection 1 and the knowledge or reasonable cause to suspect that a child has been or is likely to be abused or neglected comes from treatment of a person responsible for the abuse or neglect, the licensed mental health professional shall report to the department in accordance with Subsection 1 and under the following conditions.

§4014. Immunity from liability

- 1. **Reporting and proceedings.** A person, including an agent of the department, participating in good faith in reporting under this subchapter or participating in a related child protection investigation or proceeding, including, but not limited to, a multidisciplinary team, out-of-home abuse

investigation team or other investigative or treatment team, is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury or regarding the abuse or neglect which led to a report, investigation or proceeding.

2. **Photographs and x rays.** A person participating in good faith in taking photographs or x rays under this subchapter is immune from civil liability for invasion of privacy that might otherwise result from these actions.
3. **Presumption of good faith.** In a proceeding regarding immunity from liability, there shall be a rebuttable presumption of good faith.

**TITLE 29-A MOTOR VEHICLES
CHAPTER 19 OPERATION
TRANSPORTING DOGS IN OPEN VEHICLE REGULATED**

29-A § 2087. Transporting Dogs in Open Vehicle Regulated

Transporting dogs in an open vehicle is governed by this section.

1. **Definition.** For the purposes of this section, "open vehicle," means a motor vehicle with a portion of the vehicle not enclosed by a top and windows or sides. "Open vehicle" includes, but is not limited to, pickup trucks and convertibles.
2. **Restrictions.** A person driving an open vehicle may not transport a dog in the open portion of that vehicle on a public way unless the dog is protected in a manner that prevents the dog from falling or jumping or being thrown from the vehicle.
3. **Exceptions.** Notwithstanding Subsection 2, this section does not apply to:
 - A. A dog being transported by a farmer or a farm employee who is engaged in agricultural activities requiring the services of a dog; or
 - B. A hunting dog at a hunting site or being transported between hunting sites by a licensed hunter who is in possession of all applicable licenses and permits or the species being pursued during the legal season for that activity.

29-A §2054 Emergency and auxiliary lights; sirens; privileges

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - (8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

TITLE 30-A - MUNICIPALITIES AND COUNTIES
CHAPTER 185 - REGULATION OF CONSTRUCTION AND IMPROVEMENTS

SUBCHAPTER III
REGULATION AND INSPECTION OF PLUMBING

30-A § 4221. Plumbing Inspectors

- A. The commissioner shall also establish certification standards and a program to certify familiarity with court procedures for:
- (1) Plumbing inspectors appointed under this section;
 - (2) Code enforcement officers, as set forth in Section 4452 and in Title 38, Section 441;
 - (3) Department of Environmental Protection employees, as set forth in Title 38, Section 342, Subsection 7;
 - (4) Maine Land Use Regulation Commission employees, as set forth in Title 12, Section 685-C, Subsection 9; and
 - (5) State humane agents and state veterinarians, as set forth in Title 7, Section 3909, Subsection 2.

Certification under this paragraph is effective for a period of 3 years unless sooner revoked or suspended by the Administrative Court upon complaint by the commissioner on grounds of fraud, negligence, misconduct or incompetence in the performance of duties. After being certified by the commissioner under this paragraph, a plumbing inspector may serve civil process on persons who violate the plumbing and subsurface wastewater disposal rules of the department. The municipal officers may also authorize the inspector to represent the municipality in District Court under Section 4452.

TITLE 33 - PROPERTY
CHAPTER 21 - LOST GOODS AND STRAY BEASTS

33 § 1051. Duty of Finder of Money or Goods Worth \$3 or More

Whoever finds lost money or goods of the value of \$3 or more shall, if the owner is unknown, within 7 days give notice thereof in writing to the clerk of the town where the money or goods are found and post a notification thereof in some public place in said town. If the value is \$10 or more, the finder, in addition to the notice to the town clerk and the notification to be posted, shall within one month after finding, publish a notice thereof in some newspaper published in the town, if any, otherwise in some newspaper published in the county.

33 § 1052. Taking Up Stray Beasts; notice

Whoever takes up a stray beast shall, within 7 days, give notice thereof in writing, containing a description of its color and its natural and artificial marks, to the clerk of the town where such beast is taken, and shall cause a notice thereof, containing a like description of the beast, to be posted, and if such beast is of the value of \$10 or more, to be published in the manner provided in Section 1051; otherwise he shall not be entitled to compensation for any expenses which he may incur relative thereto.

33 § 1053. Appraisal if Value \$10 or More

Every finder of lost goods or stray beasts of the value of \$10 or more shall, within 2 months after finding and before using them to their disadvantage, procure a warrant from the town clerk, or a justice of the peace, directed to 2 persons appointed by said clerk or justice, not interested except as inhabitants of the town, returnable at said clerk's office within 7 days from its date, to appraise said goods under oath.

33 § 1054. Restitution to Appearing Owner; money or goods

If the owner of such lost money or goods appears within 6 months, and if the owner of such stray beasts appears within 2 months after said notice of the town clerk and gives reasonable evidence of his ownership to the finder, he shall have restitution of them or the value of the money or goods, paying all necessary charges and reasonable compensation to the finder for keeping, to be adjudged by a justice of the peace of the county, if the owner and finder cannot agree.

33 § 1055. Strays

If such owner appears within 6 months after such notice is filed with the town clerk and proves his title to the beasts, he shall, if they have not been sold, have restitution of the same after paying the charges arising thereon as provided in Section 1054. If the beasts have been sold, he shall be entitled to receive the money so deposited in the treasury from the proceeds of the sale. If no owner appears within 6 months, the beasts or the value or price thereof after deducting said charges shall, as prescribed in Section 1056, be equally divided between the finder and the town.

33 § 1056. Finder's Rights When No Owner Appears

If no owner appears within 6 months, such money or lost goods shall belong to the finder by paying 1/2 their value after deducting all necessary charges to the treasurer of said town; but if he neglects to pay it on demand, it may be recovered in an action brought by said treasurer in the name of the town.

33 § 1057. Sale of Strays When No Owner Appears

If the owner does not appear and prove his title to the beasts within said 2 months, the finder may sell them at public auction, first giving notice of such sale at least 4 days before the time of sale in 2 public places in the town in which the beasts were taken up. The proceeds of the sale, after deducting all lawful charges, shall be deposited in the town treasury.

33 § 1058. Failure to Give Notice; penalty

If the finder of lost money or goods of the value of \$3 or more or if the person taking up such stray beasts neglects to give notice to the town clerk and to cause them to be advertised as provided, he forfeits to the owner the full value thereof unless he delivers or accounts therefore to the owner, in which case he shall forfeit not more than \$20, 1/2 to the town and 1/2 to the prosecutor.

33 § 1059. Recovery of Strays Without Paying Charges; penalty

Whoever takes away a beast held as a stray, without paying all lawful charges incurred in relation to the same, shall forfeit to the finder double the amount of said charges, not exceeding the value of the beast, and in addition thereto shall be liable for any trespass committed by him in so doing.

33 § 1060. Damages By Animals; remedy; lien

Any person injured in his land by sheep, swine, horses, asses, mules, goats, or neat cattle, in a common or general field, or in a close by itself, may recover his damages by taking up any of the beasts doing it, and giving the notice provided in Section 1052, or in a civil action against the person owning or having possession of the beasts at the time of the damage, and there shall be a lien on said beasts, and they may be attached in such action and held to respond to the judgment as in other cases, whether owned by the defendant or only in his possession. If the beasts were lawfully on the adjoining lands, and escaped there from in consequence of the neglect of the person suffering the damage to maintain his part of the partition fence, their owner shall not be liable therefore.

Title 36: Taxation
Part 8: Income Taxes

36 § 5284-A. Companion Animal Sterilization Voluntary Check Off

1. **Companion Animal Sterilization Fund.** Taxpayers who, when filing their return, are entitled to a refund under this Part may designate that a part of that refund be paid into the Companion Animal Sterilization Fund established in Title 7, Section 3910-B. A taxpayer who is not entitled to a refund under this Part may contribute to the Companion Animal Sterilization Fund by including with the taxpayer's return sufficient funds to make the contribution. Each individual income tax return form must contain a designation in substantially the following form: "Contribution to Companion Animal Sterilization Fund:
() \$5, () \$10, () \$25, () Other \$... ."
2. **Contributions credited to Companion Animal Sterilization Fund.** The State Tax Assessor shall determine annually the total amount contributed pursuant to Subsection 1. Prior to the beginning of the next year, the assessor shall deduct the cost of administering the Companion Animal Sterilization Fund check off, but not exceeding \$5,000 annually, and report the remainder to the Treasurer of State, who shall credit the amount to the Companion Animal Sterilization Fund, which is established in Title 7, Section 3910-B.
3. **Effective date.** This section applies to tax years beginning on and after January 1, 2005.

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PURPOSE

To insure that only healthy animals, including birds, are offered for sale and that all animals, within the scope of the Commissioner's authority, shall receive proper care. Housing facilities, disease control, records of sales and purchases, euthanasia records and licenses will be monitored by Animal Welfare.

SECTION I - GENERAL

A. DEFINITIONS

- 1. BEDDING MATERIAL** - The term "bedding material" means those dry materials with low conductivity and not detrimental to the animal.
- 2. BOARDING KENNEL** - The term "boarding kennel" means any place, building, tract of land, abode or vehicle in or on which 3 or more privately owned dogs or other pets, or both, are kept for their owners in return for a fee.
- 3. CAGE/PEN** - The terms "cage" and "pen" are synonymous and refer to a portable enclosure or a fixed permanent enclosure located within a primary structure, designed for securing animals. This enclosure is used primarily as the animals' sleeping area and is a separate structure from exercise areas, dog runs or other enclosures used in the keeping of animals. The cage/pen consists of sidewalls, a top and bottom and a latched gate or door consisting of wire mesh or rods, all constructed of materials harmless to the well being of the animal.
- 4. CRATE** - The term "crate" refers to a portable enclosure designed for securing animals on a temporary basis for purposes of transport, exhibition, or medical treatment.
- 5. EXERCISE AREA** - The term "exercise area" refers to an enclosed space, which shall be secured, either in or out of doors, that is designed exclusively for the exercise of animals. It is an area separate and distinct from the animals' sleeping area.

It shall be constructed of materials that are not harmful to animals and that are suitable for efficient removal of animal waste and for effective sanitation and disinfection.
- 6. FACILITY** - The term "facility" refers to pet shops, shelters, kennels, and boarding kennels.
- 7. IMMEDIATE FAMILY** - The term "immediate family" refers to one of the following family relationships: father, mother, brother, sister, son, spouse or daughter.
- 8. KENNEL** - The term "kennel" means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.
- 9. PERSON** - The term "person" refers to an individual, corporation, partnership, association, or any other legal entity.
- 10. PET SHOP** - The term "pet shop" means any place, building, tract of land, abode or vehicle in or which any dogs, cats, rodents, reptiles, fish, pet birds, pet animals, exotic birds or exotic animals are offered for sale by the vendor.

11. PRIMARY STRUCTURE - The term "primary structure" means the main building used for housing or displaying animals.

12. SHELTER - The term "shelter" means any building or physical structure or part of any building or physical structure, other than a private dwelling, that houses dogs or other animals and is not used for agricultural purposes or as a laboratory research facility, medical facility or educational institution.

B. LICENSES

1. A license shall be required of each pet shop, shelter, kennel and boarding kennel.
2. Licenses shall be posted in a conspicuous place on the premises of each pet shop, shelter, kennel and boarding kennel.

C. RECORDS

Each pet shop, shelter, kennel and boarding kennel, shall make and maintain for at least two (2) years the following records of their activities:

1. Official Certificates of Veterinary Inspection as required by State Statute and Rule.
2. The name and address of the person from whom the animal was received.
3. The name and address of the person(s) receiving or buying the animal, excluding fish and rodents and lagomorphs.
4. Records of vaccination or medical treatments given to the animal.
5. Mortality records and causes of mortality.
6. Records of veterinary services.
7. Records of euthanasia must be kept for positive identification of every animal euthanized.

D. PRIMARY STRUCTURES

All pet shops, shelters, kennels and boarding kennels shall be comprised of a primary structure that is in good repair and structurally sound. All primary structures shall have available running water, heat, and electricity.

E. TEMPERATURE CONTROL

1. The inside minimum temperature shall be kept at a level to maintain good general health and condition for animals housed in the facilities.

2. Outside facilities shall provide shade exclusive of the housing structure by either natural or manufactured devices for all animals kept out of doors.

F. SANITATION

1. Waste facilities shall be cleaned in such a manner as to minimize vermin, insect infestation, disease, and odor.
2. Cages/pens, food and water dishes, and other utensils shall be disinfected as needed to be kept in a sanitary condition.
3. Animals shall be removed from cages/pens during cleaning. Cages/pens must be clean and dry before animals are replaced.

G. FOOD

1. Food supplies shall be protected against contamination and deterioration, and refrigeration shall be provided for perishable food and supplies.
2. Animals shall be fed at least twice a day or as directed by owner/keeper in the case of a boarded animal(s), with a wholesome and nutritionally complete food and of sufficient quantity to meet the requirements for their age, size, breed, and condition. Animals that have been determined by a veterinarian to be malnourished or which have prominent hip or rib bones showing which is not normal to the breed, shall be fed more frequently.
3. Lactating females shall be fed daily in sufficient quantity and quality to maintain their body weight while providing sufficient nutrition for the production of milk.
4. Puppies and kittens are to be fed at least three times daily once they are able to ingest and metabolize solid food.
5. Clean water shall be available at all times and must be in a tip resistant container that is low enough to allow the animals free access.
6. Birds shall have food and water available at all times.
7. These requirements must be attended to daily including weekends and holidays.

H. DISEASE CONTROL

1. Animals with clinical evidence of infectious, contagious, parasitic, or communicable disease shall be separated from others in order to minimize the spread of disease.
2. Effective programs for the control of disease, insects, external parasites, and other pests shall be established and maintained.

I. NOISE

All noise shall be kept at a minimum to prevent auditory discomfort and restlessness.

J. VENTILATION

All areas in which animals are kept shall be ventilated in such a manner that a movement of fresh air is present to prevent noxious fumes, chemical odors, heat buildup, smoke or odors of excrement and urine from being detectable.

K. LIGHTING

All animals shall have exposure to artificial or natural daylight a minimum of eight (8) hours per day.

L. SPECIAL INSTRUCTIONS

The seller/provider of any animal shall furnish written instructions as to the proper feeding, care, health information and any special needs associated with the animal purchased or acquired.

M. HEALTH OF ANIMALS AT THE TIME OF RELEASE

The following conditions shall make an animal unfit for sale or release:

1. Obvious clinical sign of infectious, contagious, parasitic or communicable disease or abnormality.
2. Obvious signs of starvation or malnutrition.
3. Congenital abnormalities, except with disclosure and acceptance by the person adopting or potential owner.
4. Blindness. (Exception: under 3 above.)
5. Animals determined to be unfit for sale or release as described above, shall be isolated and treated by/or at the direction of a licensed veterinarian or euthanized in a humane manner. If the treatment for any of the above conditions brings about recovery to a good to normal state of health, as determined by acceptable veterinary practice, the animal can then be considered for release or sale. (The new owner shall be apprised of the condition treated and the treatment provided the animal.)

N. UNLAWFUL SALE OF PUPPIES AND KITTENS

It shall be unlawful for any person to sell, adopt, or give away any dog (puppy) or cat (kitten) until completion of its seventh week of life.

O. QUARANTINE NOTIFICATION

When a licensed veterinarian, not employed by the State, quarantines a pet shop, shelter, kennel or boarding kennel, then both the veterinarian and the holder of the license shall immediately notify Animal Welfare.

Immediate notification may be oral, but a written confirmation of such oral notification shall be sent to Animal Welfare within twenty-four (24) hours.

P. VIOLATIONS

Animal Welfare shall, upon written complaint by any person alleging violation of these Rules, or upon its own motion if it has reason to believe such a violation exists, cause an investigation to be made. If a violation is found to exist, Animal Welfare or the Attorney General may file a complaint with the Administrative Court for revocation or suspension of the license.

Q. AUTHORIZED AGENTS (Access to Facilities)

Authorized agents of Animal Welfare shall at all reasonable times be allowed access to the physical premises and the records maintained by any pet shop, shelter, kennel and boarding kennel.

SECTION II - SPECIFIC RULES BY CATEGORY OF ACTIVITY

In addition to the general regulations listed in Section I, the following specific regulations will apply to each of the following categories:

A. PET SHOPS

1. The housing facilities should be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
2. Dogs must be removed from the cage a minimum of twice every twenty-four hour period.
3. A separate and suitable exercise area properly controlled for the safety of the animals placed in same shall be required.
4. Cages/Pens for birds - Birds shall be provided space to allow full expansion of their wings. Birds will be housed only with other compatible species unless housed singularly.
5. Cages/Pens for cats - Confinement areas must allow a minimum of four (4) square feet per cat inclusive of the area occupied by the litter boxes which offers enough room to comfortably stand. Cats must have litter boxes with ample clean litter available at all times. When multiple Cats are kept in a common area there must be at least one 1 1/2 square foot litter box or equivalent for every three cats.
6. Animals or birds shall not be placed in cages/pens over other animals or birds unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure.
7. Males and females capable of reproduction shall not be housed together.

8. Dogs and Cats shall not be placed in the same cage/pen nor shall dogs or cats be housed in the same cage/pen with other species of animals.
9. Females with litters shall be housed in an area that would minimize disruption.
10. All cages/pens must have a clean dry place for the animal to lie down and the flooring must be of solid type material without perforations. There must be clean and sufficient bedding material to retain the animal's body heat. Manufactured grids that will not potentially injure the feet are acceptable.
11. The primary structure must have provisions for proper disposal of dead or euthanized animals.

The design and location of a cage and exercise area must be of such nature as to permit ready and convenient access for cleaning, sanitation and care of animals.

B. SHELTERS

1. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
2. Dogs must be removed from the cage a minimum of twice every twenty-four hour period.
3. A separate and suitable exercise area properly controlled for the safety of the animals placed in same shall be required.
4. Animals shall not be placed in cages/pens over other animals unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure.
5. Males and females capable of reproduction shall not be housed together.
6. Cages/Pens for cats - Confinement areas must allow a minimum of four (4) square feet per cat inclusive of the area occupied by the litter boxes. Cats must have litter boxes with ample clean litter available at all times. When multiple Cats are kept in a common area there must be at least one 1 1/2 square foot litter box or equivalent for every three cats.
7. Dogs and cats shall not be placed in the same cage/pen nor shall dogs or cats be housed in the same cage/pen with other species of animals.
8. Females with litters shall be housed in an area that would minimize disruption.
9. Areas housing puppies from birth to two (2) weeks old must be kept at a high enough ambient temperature to maintain their normal internal temperature. Manufactured grids that will not potentially injure the feet are acceptable.
10. All cages/pens must have a clean dry place for the animal to lie down and the flooring must be of solid type material without perforations. There must be

clean and sufficient bedding material if it is necessary to retain the animal's normal body heat.

11. The primary structure must have provisions for proper disposal of dead or euthanized animals.
12. The design and location of a cage and exercise area must be of such a nature as to permit ready and convenient access for cleaning, sanitation and care of animals.
13. Shelter managers and staff shall diligently try to locate the owner of any animal in their custody including utilizing any type of identification (tattoos, name tags, rabies tags, microchips or any other identifying characteristics).

C. KENNELS AND BOARDING KENNELS

1. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
2. Dogs must be removed from the cage a minimum of twice every twenty-four hour period.
3. A separate and suitable exercise area properly controlled for the safety of the animals placed in same shall be required.
4. Cages/Pens for cats - Confinement area must allow a minimum of four (4) square feet per cat inclusive of the area occupied by the litter boxes. Cats must have litter boxes with ample clean litter available at all times. When multiple cats are kept in a common area there must be at least one 1 1/2 square foot litter box or equivalent for every three cats.
5. Animals shall not be placed in cages/pens over other animals unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure.
6. Females shall not be housed with males unless requested by owners/keepers.
7. Females with litters shall be housed in an area that would minimize disruption.
8. Areas housing puppies from birth to two (2) weeks old must be kept at a high enough ambient temperature to maintain their normal internal temperature.
9. All cages/pens must have a clean dry place for the animal to lie down and the flooring must be of solid type material without perforations. There must be clean and sufficient bedding material to retain the animal's normal body heat. Wire floor does not include manufactured grids that will not potentially injure the feet.
10. The design and location of a cage and exercise area must be of such nature as to permit ready and convenient access for cleaning, sanitation and care of the animal.

D. OUTSIDE FACILITIES FOR DOG HOUSE; TETHERING OF ANIMALS

1. (a) Any shelter, kennel or boarding kennel owning or keeping a dog who shelters the dog out of doors shall have outside housing facilities consisting of a four (4) sided structure and roof made of waterproof and windproof material with an R factor of .9 (example: .9 = 3/4" thickness (wood)). There shall be a portal of entry of sufficient size to allow the dog unimpeded passage, which shall include a baffled or appropriate sheltered entrance.

(b) This opening should face south or the direction away from which most wind driven precipitation comes. This facility shall have a solid floor at least three (3) inches above the ground level, with clean and sufficient bedding material to retain the animal's normal body heat.
2. (a) When animals are confined by a chain or similar device, the chain shall be attached to both the animal and the anchor by a swivel or similar device so the chain will not become entangled or twisted. The chain or similar device shall be attached to a well fitting collar or harness that in no way cuts into the animal's flesh, impinges the circulation, ability to ingest food, water or vocalization.

(b) The gauge of the chain shall be appropriate for the size of the animal involved and the chain shall be at least five (5) times the length of the animal from the tip of its nose to the base of its tail, except in the case of dogs which are bred and trained as sled dogs, the length of the chain shall be not less than 1 1/2 times the length of the dog from the tip of its nose to the base of its tail if tied on a pivot and 3 times the length of the dog from the tip of its nose to the base of its tail to a stationary point.

(c) Multiple animals kept in such fashion shall be kept far enough apart to prevent the restraining devices from becoming entangled.
3. Dogs that are tethered at a pivot point permitting a 360-degree area of movement will be 2 1/2 times the length of the dog from the tip of its nose to the base of its tail.

SECTION III - CIVIL VIOLATION

A. PET SHOPS, KENNELS AND BOARDING KENNELS

Any pet Shop, kennel or boarding kennel which violates Chapter 723 of Title 7 of the Maine Revised Statutes Annotated, or these Rules, commits a civil violation for which a forfeiture of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars a day may be adjudged.

B. SHELTERS

Any shelter, which violates Chapter 719 of Title 7 of the Maine Revised Statutes Annotated, or these Rules, commits a civil violation for which a forfeiture of not less than fifty (\$50.00) dollars nor more than two-hundred (\$200.00) dollars may be adjudged.

SECTION IV - VETERINARIAN EXEMPTION

Veterinarians and their facilities shall be exempt from these Rules. If any portion of a veterinarian's facility is used as a kennel or boarding kennel that separate portion of their facility shall be subject to the Rules for kennels.

SECTION V - PIG SCRAMBLES

- I. Any person or organization planning to hold a pig scramble shall obtain a permit from the Department no later than ten (10) days prior to the event.
- II. To obtain a permit, the applicant must specify and list the precise location of the event, the time it is to be held (plus or minus one hour) and the person or persons who will be in charge of the event.
- III. Rules:
 - A. The person in charge of the event shall be responsible for the animals being "well cared for" prior to, during, and after the event until such time as the new owners remove the animals from the premises.
 - B. No lubricant may be used on the pig or the contestant.
 - C. The pigs shall not weigh less than sixteen (16) pounds for 8-10 age group, and not less than twenty-two (22) pounds for the 10-12 age group.
 - D. The contestants shall not be over the age of 12.
 - E. The event shall not last more than ten (10) minutes.
 - F. The bags or sacks used shall be burlap to give the animal adequate breathing and cooling air.
 - G. The manager of the event shall have someone available to purchase or take the animals if an animal is caught by someone who does not have adequate facilities to care for the animals at their residence.
 - H. The area/ring being used will be no less than 3,000 square feet.
 - I. A pig may only be used for one event per day.
 - J. RULES MUST BE POSTED IN A CONSPICUOUS PLACE AT EVENT SITE

PERMITS PERIODS WILL NOT EXCEED TEN (10) DAYS FOR MULTIPLE EVENTS SPONSORED BY ANY PRIVATE OR PUBLIC ORGANIZATION

SECTION VI - CALF SCRAMBLES

- I. Any person or organization planning to hold a calf scramble shall obtain a permit from the Department no later than ten (10) days prior to the event.
- II. To obtain a permit, the applicant must specify and list the precise location of the event, the time it is to be held (plus or minus one hour) and the person or persons who will be in charge of the event.
- III. Rules:
 - A. The person in charge of the event shall be responsible for the animals being "well cared for" prior to, during, and after the event until such time as the new owners remove the animals from the premises.
 - B. The calves shall not weigh less than 300 pounds or over 600 pounds.
 - C. The contestants shall be restricted to the age of 14 to 17 years. (Age 17, as of January 1st of the year the event is held.)
 - D. The event shall not last more than twelve (12) minutes.
 - E. Nothing will be attached to any portion of the animal for removal by contestants from the animal during competition.
 - F. The manager of the event shall have someone available to purchase or take the animals if an animal is caught by someone who does not have adequate facilities to care for the animals at their residence.
 - G. The manager of this event shall have the facilities to hold the calves, which have been won until the winning contestant is ready to leave the premises.
 - H. The area/ring being used will be no less than 3,000 square feet.
 - I. A calf may only be used for one event per day.
 - J. RULES MUST BE POSTED IN A CONSPICUOUS PLACE AT EVENT SITE

PERMITS PERIODS WILL NOT EXCEED TEN (10) DAYS FOR MULTIPLE EVENTS SPONSORED BY ANY PRIVATE OR PUBLIC ORGANIZATION

SECTION VII - STANDARDS FOR THE HOUSING AND CARE OF HORSES (ALL EQUINE)

I. Housing

- A. A constructed shelter, with a minimum of three sides and a waterproof roof, shall be provided at all times to protect equines from sun, rain, wind and other inclement weather.
- B. The roof shall be waterproof.
- C. The shelter shall be of sufficient height and size so that the animals may stand upright in their normal position, with safe head clearances, and accommodate all animals comfortably at all times.
- D. The floor shall be dry and suitable for the animals to lie down.
- E. Any animal shall be provided with extra protection by improved housing facilities, blankets, or other methods, if the health of the animal is compromised in any way.
- F. Where indoor shelter is provided, that shelter shall be adequately ventilated to prevent excessive dust or excessive moisture that may be detrimental to the equine's health.

II. Food

- A. Equines shall have unlimited access to clean water to maintain normal hydration.
- B. Each equine shall have sufficient hay, grain, or other feed to maintain its normal body weight. Additional feed shall be fed to underweight animals to achieve normal weight.
- C. The feeding arrangements shall be such that each animal gets its own proper share of food twice a day.
- D. All owners/keepers of equine shall have on hand at all times enough hay and grain to maintain all equine in a healthy condition.

SECTION VIII - THE SPAY/NEUTER REIMBURSEMENT PROGRAM

Summary: The purpose of this chapter is to establish rules that will allow reimbursement to animal shelters for extended days that stray dogs and cats must stay to be spayed or neutered before being given up for adoption.

1. **Definitions:** For the purpose of this chapter the following words mean:
 - A. **"Spay/neuter"** means to sterilize a female animal by removing the ovaries or to castrate a male animal by removing the testicles.
 - B. **"Animal shelter"** (see and use definition in the Animal Welfare Laws 7 M.R.S.A. Section 3907,5-A.
 - C. **"Strays"** means a cat or dog with no known owner that may be deserted, sick, or injured.
 - D. **"Reimbursement"** means to compensate part of the expense of sterilizing an animal.
 - E. **"Dog licensing fee"** means a fee collected by a municipal clerk or dog recorder for the issuance of a dog license authorized under 7 M.R.S.A. Section 3923.

2. **Funding:**

Funds for the reimbursement are to be allocated from the dog-licensing fee and from private or public donations. This fund shall be a separate, non-lapsing account and shall be named - Animal Welfare Fund: Spaying/Neutering Account.

3. **Procedure:**

Upon receiving a letter from the animal shelter requesting reimbursement for a stray dog or cat that they have had in their possession for at least six (6) days minimum and that particular animal was neutered or spayed, the state shall reimburse that shelter at the rate of ten dollars (\$10.00) per dog and the rate of five dollars (\$5.00) per cat. The animal shelter must attach to the letter a copy of a Certificate of Neutering signed by a licensed veterinarian.

SECTION IX – RULES FOR THE LOW INCOME SPAY/NEUTER PROGRAM

Summary:

This Chapter establishes and implements a low-income spay/neuter program for cats and dogs. Eligibility requirements for participation in the program, veterinarian reimbursement, and program administration and performance measurements are contained in these rules.

The purpose of the low-income spay/neuter program is to reduce:

- a) Stray and unwanted cats and dogs
- b) Stray and unwanted cats and dogs entering animal shelters
- c) Cat and dog euthanasia rates
- d) Dog bites
- e) Feral cats
- f) Threats to public health and safety from rabies and other zoonoses
- g) Community and state animal control costs

1. DEFINITIONS:

- A. **CAT** – A member of the genus and species known as felis catus.
- B. **COMMISSIONER** – The Commissioner of the State of Maine Department of Agriculture, Food and Rural Resources.
- C. **DEPARTMENT** – The Department of Agriculture, Food and Rural Resources.
- D. **DOG** – A member of the genus and species known as canis familiaris.
- E. **DOG LICENSE** – A State of Maine license obtained by the owner or keeper of a dog at the age of 6 months or more, on or before January 1st of each year.
- F. **KEEPER** – A person in possession or control of a dog or other animal becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
- G. **LICENSED ANIMAL SHELTER** – A facility, licensed by the state, which includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.
- H. **OWNER** – Any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal.
- I. **PROGRAM** – The Low-Income Spay/Neuter Program for dogs and cats.
- J. **SPAY/NEUTER** – To sterilize a female animal by removing the ovaries or to castrate a male animal by removing the testicles or by FDA approved pharmaceutical sterilization.

- K. **STRAY ANIMAL** – A cat or dog with no known owner that may be deserted, sick, or injured.
- L. **UNWANTED** – A cat or dog abandoned or not wanted by its owner or keeper.

2. ELIGIBILITY

To be eligible for the low-income spay/neuter program a person must be an adult (18 years or older); be a resident of the State of Maine; be the owner or keeper of the cat or dog being spayed or neutered by a participating veterinarian; make a \$10.00 co-payment for a cat or a \$20.00 co-payment for a dog to the Department's Animal Welfare Program (AWP); and be a recipient of or eligible for one of the following programs or be a recipient of or be eligible for any other public assistance program that the Commissioner determines will meet the low-income objective:

- a) Food Stamps
- b) Temporary Assistance for Needy Families (TANF)
- c) Supplemental Security Income (SSI)
- d) Social Security Disability (SSD)
- e) Maine Care (Medicaid)

Dogs and cats imported from out of state into Maine animal shelters, rescues, pet stores or adoption agencies shall not be eligible for this program.

3. VETERINARIAN PARTICIPATION

A. Any veterinarian licensed in this state may participate in the program established under this Chapter. To participate, a veterinarian must file with the Commissioner on a biennial basis a signed agreement on a form provided by the Commissioner agreeing to all pre-set fees and program conditions.

Pre-set fees shall be set by the Commissioner in consultation with the Maine Veterinary Medical Association on a biennial basis.

B. For all cats and dogs sterilized under this program the Commissioner shall reimburse the veterinarians for services on a monthly basis. The pre-set fee shall cover the cost of the spay/neuter surgery and a rabies vaccination. The owner shall be responsible for the payment of any additional procedures administered by the veterinarian that are not covered under this program.

4. PROGRAM ADMINISTRATION

A. The AWP shall administer the program for the Commissioner and shall be responsible for:

- 1) Distributing, collecting and compiling all forms including but not limited to veterinarian participation agreements and sterilization and immunization certifications;
- 2) Maintaining a list of participating veterinarians;

- 3) Determining owner eligibility;
- 4) Collection of co-payments;
- 5) Reimbursing veterinarians in accordance with the agreements and these rules.

5. PERFORMANCE MEASUREMENT

Performance Measurement is necessary to determine the success of the program and to assess if any changes in the program should be made. To measure the performance of this program, the AWP shall require standardized reporting of statewide cat and dog intake and euthanasia numbers to the AWP by licensed animal shelters, which are required to keep and maintain such information in accordance with 01-001 CMR Chapter 701: Rules Governing Animal Welfare 1C. The reporting will be on forms provided by the Department.

6. FUNDING

A Low-Income Spay/Neuter Fund shall be established for this program. Any monies received by the Commissioner in accordance with the authority provided by 7 M.R.S.A. §3906-B (13) shall be deposited into a separate, non-lapsing account and shall be dedicated for use by the Commissioner exclusively for implementation of this program, including veterinarian reimbursement, administration, promotions and other costs associated with the program. Interest earnings credited to the assets of the fund shall become part of the fund.
Statutory Authority: 7 M.R.S.A.

SECTION X – RULES FOR THE PERMANENT IDENTIFICATION OF WOLF HYBRIDS

SUMMARY

These rules establish methods of permanent identification for wolf hybrids applicable to all wolf hybrids owned or kept in the State of Maine.

1. DEFINITIONS

- A. **Commissioner** – means the Commissioner of the State of Maine Department of Agriculture, Food and Rural Resources.
- B. **Department** – means the State of Maine Department of Agriculture, Food and Rural Resources.
- C. **Identification** – means a method or item bearing identifying data. i.e. a tattoo or microchip that provides information for determining the owner or keeper of a wolf hybrid.
- D. **Keeper** – means a person in possession or control of a wolf hybrid. A person becomes the keeper a wolf hybrid, if the person feeds that animal for at least 10 consecutive days.
- E. **Microchip** – means a small crystal of a silicon semiconductor fabricated to carry out a number of electronic functions in an integrated circuit and includes an electronic device implanted into a wolf hybrid for the purposes of identification.
- F. **Owner** – means any person, firm, partnership, association or corporation owning, keeping, or harboring a wolf hybrid.
- G. **Permanent Identification** – means any method of identification that is indelible or otherwise continues or endures without marked change in status or condition or place.
- H. **Tattoo** – means a permanent mark or design made on the skin by a process of pricking and ingrainings an indelible pigment or by raising scars.
- I. **Wolf** - any of various large wild predatory canids (genus *Canis*) that live and hunt in packs and resemble the related dogs; *Canis lupus*, gray wolf, timber wolf, brindled gray wolf of forested northern regions of North America Arctic wolf, *Canis lupus tundrarum*, white wolf - wolf of arctic North America having white fur and a black-tipped tail
- J. **Wolf Hybrid** – means a mammal that is the off spring of a species of wild canid or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by it’s owner or keeper to be a cross between a domestic dog (*canis familiaris*) and a wild canid or wild canid hybrid, and includes without limitation, any mammal that is represented by it’s owner or keeper to be a wolf hybrid, coyote hybrid, coy dog, or any other wild canid hybrid.

2. PROHIBITED ACTS

No person may own or keep any wolf hybrid over the age of eight (8) weeks unless permanent identification of that wolf hybrid has been provided in accordance with these rules.

3. METHODS OF IDENTIFICATION

- A. Permanent identification of a wolf hybrid must be provided by one of the following methods:
 - (1) A microchip placed subcutaneous (under the skin) that has been registered with a nationwide organization and whose database will be accessible by the Department at all times; or
 - (2) A permanent tattoo that will be registered with a nationwide organization and whose database will be accessible by the Department at all times.
- B. The database for any microchip or tattoo placed in accordance with Paragraph 3.A (1) or 3.A (2) of these rules must contain the following information, at a minimum, and be readily accessible to the Department at all times:
 - (1) The name of the person who owns or keeps the wolf hybrid.
 - (2) The address of the person who owns or keeps the wolf hybrid.
 - (3) The telephone number of the person who owns or keeps the wolf hybrid.
- C. Any telephone number provided to the Department by the owner or keeper of any wolf hybrid must remain in service and provide the Department ready access to the owner or keeper on a 24 hour basis, seven (7) days a week.
- D. If available, anyone who owns or keeps a wolf hybrid must provide the Department with an email address.
- E. Anyone who owns or keeps a wolf hybrid must advise the Department of any changes to the information provided to the Department in accordance with these rules within 72 hours of such change, including any changes in the name, address, phone, or email address of the owner or keeper of the wolf hybrid.

Statutory Authority: 7 M.R.S.A. § 3921-A

Notes